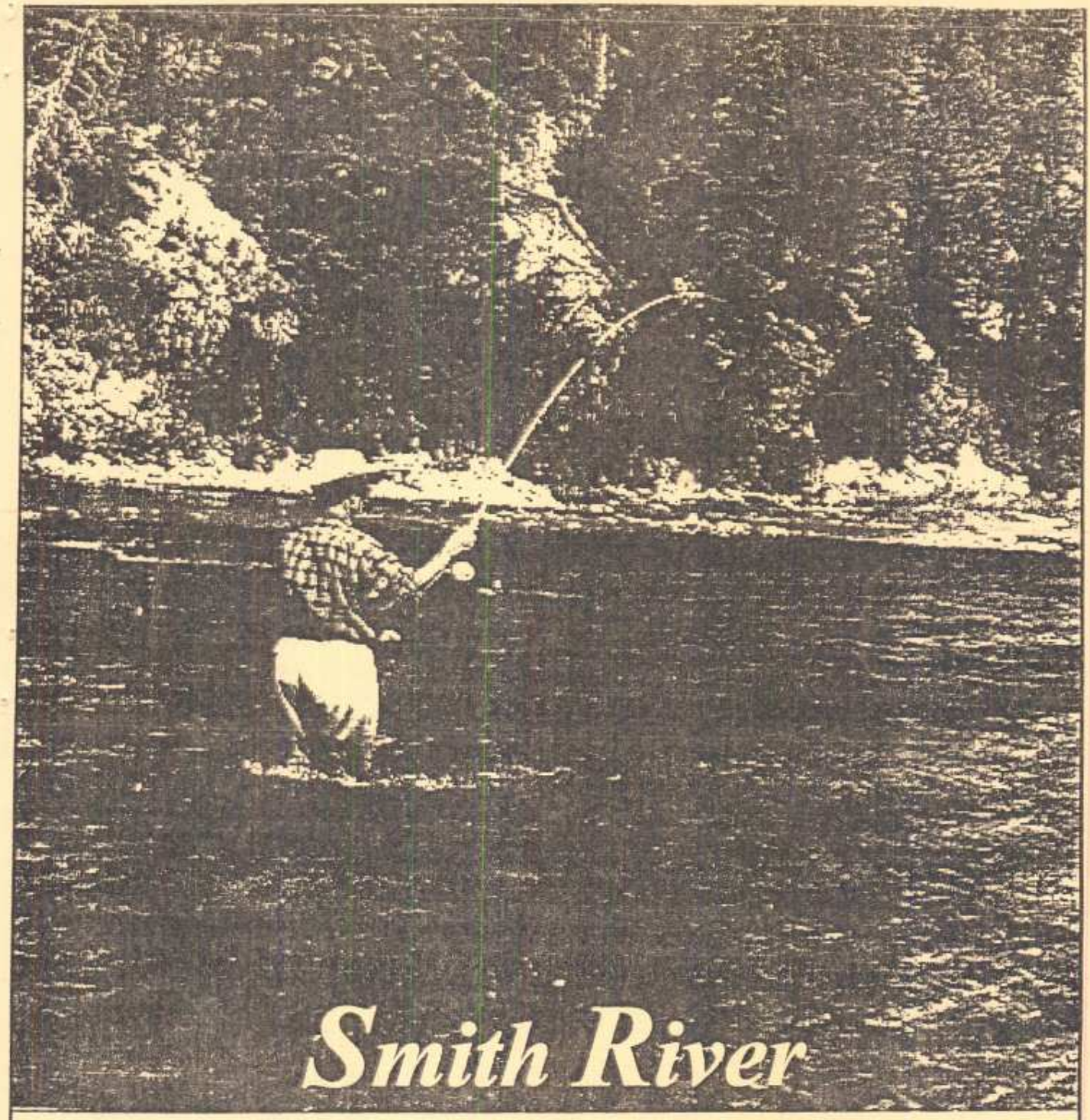

Smith River

Management Plan

1996

Montana Fish, Wildlife & Parks

MONTANA STATE PARKS

SMITH RIVER MANAGEMENT PLAN

Adopted by the Fish, Wildlife & Parks Commission on December 14, 1995.

Stan Meyer 1/19/96

Stan Meyer, Chairman, Fish, Wildlife & Parks Commission

Pat Graham 1/23/96

Patrick Graham, Director, Montana Fish, Wildlife & Parks

Arnold Olsen 1/23/96

Arnold Olsen, Administrator, State Parks

Mike Aderhold 1/18/96

Mike Aderhold, Region Four Regional Supervisor

SMITH RIVER MANAGEMENT PLAN

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CHAPTER 1 - INTRODUCTION, MANAGERIAL AND PHYSICAL SETTING

1.1 Proposed Action

The Montana Department of Fish, Wildlife and Parks (DFWP) proposes to adopt a plan to guide the subsequent rule-making and management of recreation for the Smith River. The Great Falls regional office and the Parks Division of the Montana Department of Fish, Wildlife and Parks would implement the plan.

1.2 Management History and Setting

Recreationists have enjoyed the Smith River for many years, with recreational activities documented from the early 1950's. Responding to landowners' concerns about public use of lands adjacent to the Smith, DFWP began managing the river actively in 1980. Most use occurs as floating the canyon portion of the Smith beginning at the Camp Baker Access Site northwest of White Sulphur Springs, Montana to the Eden Bridge area south of Great Falls, Montana.

The following is a chronology of the Montana Fish, Wildlife and Parks Commission's actions and the Department's management of the Smith. In particular, this summary describes the incremental management called for in the 1988 Smith River Management Plan as well as the current Department's management of the Smith River.

1953 - A proposal was made to set aside a state-owned school section in the Smith Canyon as a public recreational area.

1954 - the State Fish and Game Commission recommended that the area be set aside for public recreation.

1954, 1956, 1957, & 1958. The Montana Wildlife Federation passes resolutions favoring the project.

1957 - The Smith River Park Bill passes the House in the Montana Legislature, but dies in the Senate committee.

1959 - The Montana Wildlife Federation again proposes Smith River State Park to the Montana Legislature, but the proposal fails to pass.

1960 - The Department of Fish, Wildlife and Parks purchases the Smith River Fishing Access upstream of Camp Baker near Fort Logan.

1968 - The Camp Baker Fishing Access Site, put-in for the Smith River canyon float, purchased.

- The Great Falls Office of FWP recommends purchasing the Fraunhofer Ranch for wildlife and recreational purposes.

1970 - A study called for by House Joint Resolution 12 passed by the 1969 Legislature by The Governor's Council on Natural Resources and Development. The Council recommended that the Smith River not be developed as a state park, but that legislation be passed designating the Smith a State Recreational Waterway, permitting the exchange of state lands for private lands, setting aside funding for acquiring scenic easements, and obtaining land use options.

- The first documented meeting of Smith River landowners and DFWP to discuss recreational use and management of the river.

1980 - The DFWP and Bureau of Land Management (BLM) jointly hire seasonal employees to patrol the Smith River.

- The Department publishes the first Smith River map and floater's guide.

- Seasonal management activities include installing floater's gates and hazard signing, establishing and maintaining designated campsites, and conducting landowner and floater surveys about recreational uses of the river.

1981 - The Great Falls Office institutes the Smith River Floater Log as a method of voluntary registration.

- The DFWP begins leasing Eden Bridge for a takeout.

1983 - The seasonal housing cabin is established at Camp Baker. Latrines are built at high-use campsites. A three-way exchange of land between DFWP, BLM, and the Montana Department of State Land results in the acquisition of 13 parcels of DFWP land along the river.

1984 - Representative floaters, outfitters, and landowners form the Smith River Ad Hoc Committee. Fisheries creel census included as part of each floater's log.

1985 - The Host program begins at Eden Bridge and Camp Baker in cooperation with the Ramblin' Sams RV Club of Great Falls. The formal floater survey is given as part of the host program.

1986 - The first formal recreation-use survey is instituted and continued in 1987 and 1988. The voluntary reservation system begins, allowing floaters to call in to gauge heavy-use days. The Department starts leasing boatcamps on private lands.

- The Smith River Study is completed. Highlights include 1) an analysis of the public's use of the river and recommendations for managing that use, 2) a definition of the stream corridor

and recommendations for preserving the corridor, 3) an evaluation of recreational conditions and trends and recommendations for protecting water quantity and quality.

1987 - The Department installs the voluntary declaration board, allowing floaters to declare their first-night camps.

1988 - The Department drafts the first Smith River Plan.

- The Annual Rule is drafted, limiting mid-stream access on DFWP land to established agricultural uses. This limitation was removed from the final rule.

1989 - The Smith River Management Act, 23-2-401..410 (SMRA) is passed by the Montana State Legislature.

- Lewis and Clark National Forest amends the Forest Plan and identifies the Smith River as being suitable for study as a National Wild & Scenic River. Outstandingly remarkable values are found in all five categories; scenic, recreational, geologic, fisheries, and wildlife.

1990 - Mandatory registration for Recreational Use of the River

- Annual rule calls for voluntary limitation on mid-stream access by landowners.

1991 - The Department institutes fees for private and outfitted floaters and requires boat identification tags. Group size for floating limited of 15. Waiver of fees and group size allowed for educational groups. DFWP refunds amount of fees paid by outfitters to Forest Service. Voluntary declaration board expanded to entire river. A basement is constructed under the Camp Baker ranger cabin. DFWP and Meagher County make a major release of flea beetles for bio-control of Leafy Spurge.

1992 - The total number of outfitter launches is limited to historic outfitters, two outfitted launches per day. The Department sets terms for outfitter transfers. Campsite assignment of outfitters is required and limited to 13 campsites.

- The Ad Hoc Committee develops a campsite-courtesy handout. A streamflow gauge is installed below Sheep Creek. Utilities are added to the Camp Baker cabin and Eden Bridge host site. The river's water level is particularly low this year.

1993 - The FWP Commission adopts a use rule setting a capacity of 9 launches per day. Nine outfitted launches/week during the high-use season. Mandatory declaration board use. Limited to 16 outfitters. Increased outfitter fee to $65/client with

additional amount deposited in Corridor Enhancement Account. Ten percent of user fees are designated for deposit in the Corridor Enhancement Account. Mandatory pre-registration is estabished. Separate campsites designated at each boatcamp. Land exchanges between the Helena National Forest and the Galt Ranches results in additional public land and boatcamps on the upper river.

1994/1995 - The Smith River Rule is included as part of the Montana State Parks Biennial rule. Landowners and immediate family day-floats are still required to register but exempted from use limits. The Eden Bridge take-out is purchased through Fishing Access funds in July, 1994.

Initial Management Authority

The initial authority to manage the Smith River was stipu-lated under the Montana Fish, Wildlife and Parts Commission's charge to adopt rules governing the recreational use of Class I and Class II waters (23-2-302(5), MCA) and its authority to adopt and enforce rules governing recreational uses of legally accessible public fishing operated under agreement or in conjunction with a federal or state agency or private owner (87-1-303(2), MCA).

Between 1981 and 1988, management was focused on reducing the impact of increasing public use of the Smith, where almost 80 percent of the shoreline is privately owned. The Department provided information to river users and encouraged them to follow proper river etiquette. The Department also employed a seasonal river ranger to patrol the river regularly during the normal floating season.

In 1988, the Department adopted the Smith River Plan. Its goal was

> ... to identify ways of providing continued public recreational use and enjoyment of the Smith River waterway, consistent with the river's capacity to maintain this use; to seek ways to minimize conflicts between river users and private landowners; and to protect the integrity of the river's water and canyon resources for future generations to enjoy.

The 1988 plan was significant because it 1) initiated a system for managing public use of the river, 2) defined a logical process for developing criteria to implement future regulations, and 3) provided a foundation for a Department initiative to seek additional legislative authority for managing the Smith River.

Legislative Authority

In 1989, the Montana Legislature adopted the Smith River Management Act (23-2-401, et.seq., MCA). (See Appendix One). This legislation carried forward the plan by giving the force of law to its goals:

1) providing continued recreational enjoyment and commercial use of the Smith River waterway, consistent with the river's capacity,

2) seeking ways to minimize conflicts between river users and private landowners, and

3) protecting the integrity of the river's water and canyon resources for future generations.

The legislation designated the Department as the agency with the primary responsibility for managing the Smith River waterway and required that the waterway be managed 1) to continue the compatible uses of recreational and public land uses, 2) to maintain the public's opportunity to enjoy the natural scenic beauty and solitude, and 3) to conserve the recreational, aesthetic, and scientific values of the Smith River.

The legislation also gave the Commission authority to administer the Smith River waterway through the adoption of rules. Specifically, this charge included authority 1) to regulate and allocate recreational and commercial floating and camping, 2) to restrict recreational use with a permit system, 3) to regulate recreational and commercial users of the water and land in the Smith River waterway legally accessible to the public as well as the land in the river corridor controlled by the Department and Commission, and 4) to establish fees.

The 1988 plan noted that public use of the Smith River exceeded the recommended capacity of the existing overnight camping facilities during portions of the float season. This observation underscored the need for accurate monitoring of public use in any evaluation of current use and projection of future uses.

The 1988 plan defined five stages of regulations. The primary feature of Stage 1 was continuing the voluntary reservation system that had begun in 1986. This program allows floaters to telephone the DFWP Great Falls office to schedule their trip relative to the trips of other registered floaters. Stage 2 added mandatory registration to the voluntary reservation system. Stage 3, to be executed after use exceeded river capacity for 15 days, required mandatory registration during the peak use period. Stage 4 extended mandatory registration to the entire season. Stage 5 included the allocation of float permits. Current management is at Stage 5.

By State law (MCA 87-1-303) and Commission regulation (ARM 12.6.902), no motorized watercraft are allowed the entire length of the Smith, and floaters are restricted to using rafts, canoes,

driftboats, kayaks, and other hand-propelled boats on the Smith. (See Appendix 2.)

1.3 Purpose and Need

Subsequent to passage of the Smith River Act and with the adoption of the Stage 5 level of regulation, the 1988 plan has served its purpose. Amendments to that plan are, however, necessary to accomplish the following new purposes:

1. Establishing the policy for either adopting biennial rules or promulgating administrative Rules in accordance with the Smith River Act. This policy must reflect a strategy for preserving the future of the Smith River corridor and be consistent with the Department's strategic management plan.

2. Updating the 1988 plan to reflect subsequent legislative and commission actions.

3. Developing methods to ensure consistency and coordination between Fish, Wildlife and Parks and the United States Forest Service in regulating and managing outfitter permits and recreation sites for the Smith River.

4. Creating a framework for cooperating with other state and federal agencies and private landowners, with an emphasis on protecting of the Smith River corridor.

5. Defining the use of the Smith River Corridor Enhancement Account.

6. Complying with the Montana Environmental Policy Act.

This plan is supplemental to other Department efforts in the Smith Corridor such as Fishing regulations, water quality and quantity programs and the River Restoration Program.

1.4 Jurisdiction

Adoption of this management plan is sanctioned by

1) the Department's authority to manage the State Parks System (23-1-101, MCA),

2) the Commission's authority to adopt rules governing the recreational use of Class I and Class II rivers (23-2-302(5)MCA) as well as adopt and enforce rules governing recreational uses of lands and waters held by the Commission or operated by the Commission under agreement with or in conjunction with a federal or state agency or private landowner (87-1-303, MCA), and

3) the Department's and Commission's authority for regulation of recreational use of the Smith River (23-2-401, et.seq.,MCA).

Additionally, the Department's and Commission's responsibilities for adhering to rule-making procedures are specified by the Montana Administrative Procedures Act (2-4-101, et.seq., MCA). This plan also complies with the Department's and Commission's responsibilities to the Montana Environmental Policy Act (75-1-101, et.seq., MCA).

1.5 Description of Public Involvement

The development of the Smith River Management Plan and promulgation of its annual rules, in accordance with the Smith River Act, has included considerable public involvement.

- The Smith River Ad Hoc Committee, with representatives from landowners, private floaters, outfitters, and the DFWP and USFS, was formed in 1984 to assist the Department in dealing with management issues. This group meets on an "as needed" basis and has made significant contributions to the Department's decision-making process and the development of its management policies.

- The Smith River Coordinated Resources Management Council, a local resource management and planning group, includes people from White Sulphur Springs and Meagher County who represent a wide variety of perspectives. Along with advising the Department on resource management in the upper Smith River drainage, this group has also been involved with issues about managing recreation on the Smith River.

- In addition to using these advisory bodies, the Department requested public comment about its management policies and integrated this information into the 1988 plan.

- More specifically, an extensive public use survey, including floaters and landowners, was completed in 1990.

- Public involvement was likewise integral to the adoption of annual rules during 1991, 1992, and 1993 and the adoption of a biennial rule in 1994. During 1993, an extensive survey was made of floaters and interested parties in response to the tentative rule.

- Floaters have also provided comments on their floater logs since 1981, with more extensive comments provided since 1991.

- Also, landowners provide a substantial source of comment. After being formally surveyed first in 1980 and 1981, they

continue to furnish comments through informal contacts with river rangers and regional staff.

Because of this extensive public contact, no formal scoping was held in preparation of this management plan. Rather, the list of issues developed and addressed in the plan is the culmination of these efforts in soliciting public opinion. A chronological summary of comments about the public's use of the Smith River is included in Appendix 3.

Public Comment--Major Trends:

Since there is little consistency between survey methods and data obtained, it is difficult to discern conclusive trends from the information above. However, in general, it seems floaters and landowners alike want to keep the Smith River Corridor in its current condition as much as possible given its present level of use. Most public comments support the policy of limiting recreational use to accomplish this goal (67% of comments in 1988 and numerous floater log comments regarding use limits in 1991, 1992, and 1993). The volume of past use suggests that the Smith River will remain a highly desirable recreational area.

1.6 Issue Statement

Regardless of the forum, the public has identified several policy-level issues that must be resolved if the Department and Commission are to implement an effective management plan, in compliance with the Smith River Management Act:

1. The Act is intended to provide for the continued use and enjoyment of the Smith River waterway for both private and commercial recreation, consistent with the river's capacity. How should the Department define and manage that level of use to meet these goals?

2. The Act directs the Department to manage the Smith River waterway to maintain the public's opportunity to enjoy the waterway's natural scenic beauty and solitude. How should the Department define and manage the Smith to ensure the public a level of solitude?

3. How should commercial use be managed to benefit outfitted and private floaters and the river's natural resources?

4. How should Department lands along the Smith be managed? How should the Department use its management authority on Federal and private lands within the corridor?

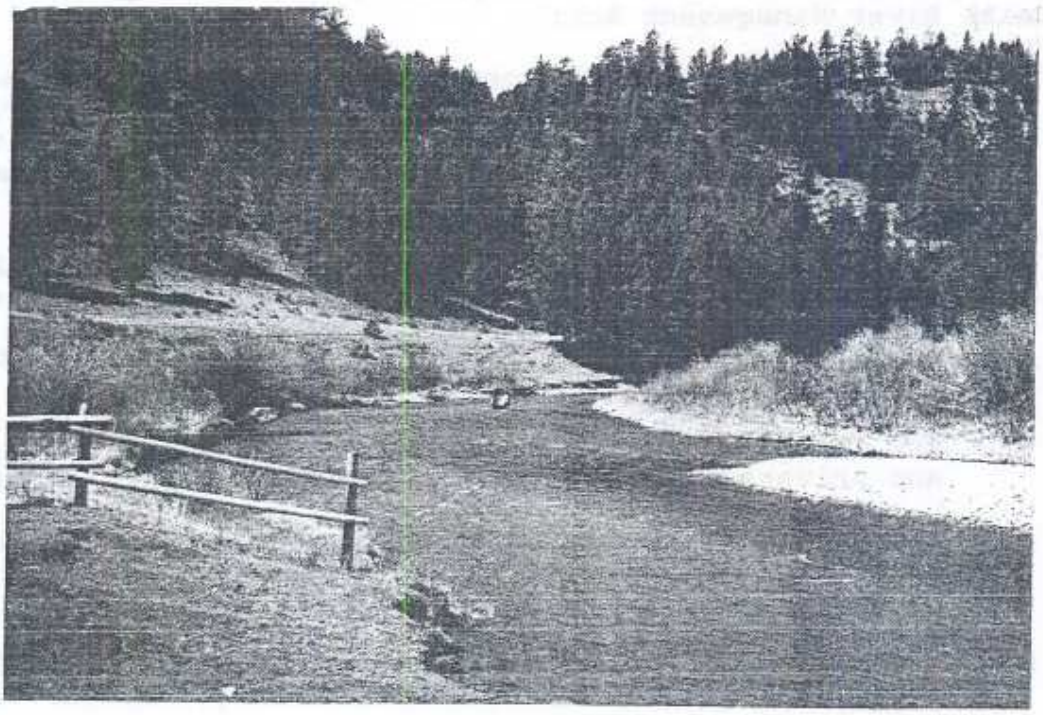
5. Although the intent of the Smith River Act includes protection of the river's water and canyon resources for

future generations, the Department has no authority to regulate many factors affecting these resources. How should the Department approach protection of these resources in the Smith River corridor on non DFWP land?

6. What level of rule-making should the Department pursue in implementing the action portion of the plan?

Analyzing these policy questions, the Department has identified specific management issues, which are addressed in chapters two and three:

1. River Capacity
2. Outfitted Use Management
3. Access
4. User Fees
5. Corridor Enhancement Account
6. Department Land Management - Land Adjustments, Grazing/Fencing, Weed Control
7. Boatcamp Management
8. Visitor Information
9. Viewshed Management
10. Floatgates
11. Cultural Resources
12. Portal Management - Put-in/Takeout, Smith River, Management above and below the canyon section
13. Safety



1.7 Policies Affecting Management - USFS, DSL, BLM and Counties

DFWP has very specific and limited authority under the SRMA. This authority is just one piece of the land management pie in the Smith River corridor. Private landowners have the largest slice of the pie with private land accounting for almost 80% of the shoreline. The United States Forest Service is the largest public landowner in the canyon with the Bureau of Land Management and Montana Department of State Lands also managing parcels there. The specific authority for each of these types of ownership is described below. DFWP land management is considered in Section 2.6.

1.7.1. United States Forest Service Lands Management

Approximately 22 miles of the Smith River is bounded on the east by the Lewis and Clark National Forest. Fourteen boatcamps are located on these lands administered by the Forest Service. The Department of Fish, Wildlife and Parks, the Lewis and Clark National Forest, and the Helena National Forest cooperatively maintain and manage these lands through a maintenance and operating agreement with the United States Forest Service. (See Appendix 4.)

Joint Management

Beginning in 1992, a cost/share agreement between DFWP and the Lewis and Clark National Forest has provided DFWP funding for maintaining and managing portions of Forest Service land.

Private lands acquired in 1993 placed three more miles of river under the ownership of the Helena National Forest. These lands include three more boatcamps formerly leased from the private landowner.

Another impact on the management of the Smith River Corridor is a recent amendment of federal legislation. The Lewis and Clark Forest Plan has identified the Smith River as potentially eligible under the 1968 National Wild and Scenic Rivers Act as a recreation river. As part of its other river studies, the Forest Service will conduct a river suitability study of the Smith River and make a recommendation to the Chief of the Forest Service about its inclusion into the National Rivers System. In the interim, Forest-wide management standards will seek to maintain the eligibility of these rivers and their adjacent corridors for classification as recreation rivers.

Aesthetic Goals

In managing the area bordering the Smith, The Forest Service has emphasized the need to preserve the semi-primitive recreation opportunities available, such as floating, there while maintaining and protecting other Forest resources.

Likewise, maintaining the landscape's natural appearance for the public will remain a primary objective for this land. Any changes in the landscape must not be evident to visitors. Thus modification of the National Forest landscape may not be appropriate in the river corridor.

Grazing

Grazing activities, both on public and private land, are historical uses along the river corridor. The floater may anticipate, depending upon the area and season of floating, to encounter both sheep and cattle. Livestock or evidence of their presence will occasionally be observed within campsites.

There are currently three range allotments bordering the river on Forest Service land. Only two of these allotments are presently under permit. The Lower Tenderfoot Allotment in the vicinity of Tenderfoot Creek and to the north beyond Sheep Wagon boat camp currently has a grazing season from June 15 through September 15 for approximately 140 animal use months. The second grazing allotment is located from Bear Gulch boat camp to the vicinity of Table Rock boat camp. The grazing season for this allotment currently runs from August 1 through October 15 for a total of 83 animal use months.

Continuing north, the river leaves National Forest lands and is bordered by private lands which are grazed by both sheep and cattle from large ranches.

Timber Management

Timber management of Forest Service lands is restricted to unprogrammed harvesting. This being the case, the river user should not normally see evidence of timber sales other than that which may be associated with private lands within the corridor.

Weed Management

Noxious weeds, primarily leafy spurge, are found throughout the Smith River from scattered patches to concentrated areas. The heaviest concentrations are along the river and on the low river benches which get flooded and cannot therefore be treated with chemicals. At least two patches of leafy spurge have been discovered midway between the river and the top of the benches. In these areas, restricted use of chemical treatments and biological agents, both very effective, have been used to control the spread of this noxious weed on Forest Service land. Also, several years of releasing flea beetles are beginning to show results in limited areas. However, since the spurge seed is water borne, propagation of this noxious weed remains an ongoing problem along the river corridor.

Spotted knapweed is also known to infest the area, although not to the extent of leafy spurge. One infestation has been found on National Forest land on the Smith, and this was treated by mechanical means. Continued monitoring by both the public and managing agencies, as well as private landowners, is essential to effective control of this weed.

Fire Management

Fire management in the River Corridor on both National Forest lands and private lands is the responsibility of the USFS. The Lewis and Clark Forest Plan's directive for wildfire in the Smith River Canyon is suppression. Thus, the USFS will enforce fire restriction regulations when in effect, including the use of campfires by river floaters.

As well as providing for protection from fire, the Lewis and Clark National Forest may consider using prescribed fire to achieve objectives for managing the ecosystem on National Forest lands.

1.7.2 Bureau of Land Management Lands Management

The Bureau of Land Management(BLM) and Montana Department of State Lands participated in a three way trade in 1983 which resulted in the transfer of 820 acres of land to DFWP. This transaction included 13 parcels that included river frontage. The remaining BLM tracts in the drainage are scattered , do not include river frontage and are managed by the Headwaters Resource Area office in Great Falls. The Environmental Impact Statement for the Headwaters Resource Management Plan (HRMP) addresses management goals for these lands.

These lands have a low priority for timber harvest and are open for mineral exploration and development. Subject to special stipulations, they are also available for oil and gas leasing. Moreover, they are accessible for motorized use and may be used as a utility and transportation corridor.

Although most parcels are identified for retention, several are identified for disposal. Reasons for retention include preserving important wildlife habitat, maintaining public access to the land, and reserving parcels adjacent to Forest Service lands. The preferred method of disposing of parcels is through a land exchange in which BLM would obtain land having equal or higher public values.

BLM supports DFWP management of the Smith River. If opportunities arise for land adjustment involving BLM lands, BLM will make every effort through its land exchange program to acquire those lands having high public value.

1.7.3 Montana Department of State Lands

The Montana Department of State Lands (DSL) owns three sections of land adjacent to the canyon section of the Smith. DSL manages these lands to provide income for the State Education Trust, primarily through grazing. As of 1995, a timber sale was pending on one of the sections.

DSL likewise has responsibility for fire control on state lands, including FWP lands. DSL also enforces the Streamside Management Zone Law which regulates any landowner or operator conducting forest practices on private, state, or federal lands that will access, harvest, or regenerate these lands for commercial purposes.

Because the Smith is a navigable river, the stream bed below the low-water mark is state owned. Therefore DSL is responsible for any structure or improvement on this area, such as fords crossing the river.

1.7.4 Meagher and Cascade County

The Meagher-Cascade County line splits the Smith River canyon in two, crossing the river around river mile 24. Under state law, counties have primary jurisdiction over the use of private land. Meagher and Cascade counties are thus responsible for reviewing the planning, road maintenance, and zoning for subdivisions and other use and development restrictions in this area of the Smith.

Each county likewise has a Conservation District which, in co-operation with the DFWP, establishes rules and administers the Montana Natural Streambed and Land Preservation Act (commonly called the 310 permitting process). This permit is required by any private individual or non-governmental entity proposing any activity that physically alters or modifies the bed or banks of a stream.

1.8 Physical Setting

The Smith River located in west-central Montana is formed by the junction of the South Fork, which drains a portion of the Castle Mountains, and the North Fork, originatng from the south end of the Little Belt Mountains. These two forks join to form the main stem just west of White Sulphur Springs. The river flows northwest through a relatively wide valley between the Big and Little Belt Mountains until it enters a deep, narrow canyon several miles below Fort Logan. After emerging from the fifty mile long canyon, the river meanders through rolling grasslands until it joins the Missouri River near Ulm, Montana.

Current public access to the Smith River canyon section is limited to 1) the Camp Baker Access, acquired by the Department in 1960, and 2) the Eden Bridge take out, a piece of private land leased

since 1981, gradually developed as a take-out/parking area, and acquired fee title in 1994.

The 61-mile section of the canyon generally becomes ice free in late March and remains open until November or December. Water flows can vary widely during the ice-free months, but as a rule, mid-April through early July is the typical season it is used for recreation. Low-water flows limits floating in late summer and fall.

One of the larger tributaries of the Smith River is Hound Creek, entering from the west near Eden Bridge. Hound Creek drains the northern portion of the Big Belt Mountains; some of its tributaries extend high up the slope of the mountain front.

Tributary drainages in the Little Belts include the North Fork, Newlan Creek, Whitetail Deer Creek, Sheep Creek, Eagle Creek, Blacktail Creek, Tenderfoot Creek and Deep Creek. The South Fork, Birch Creek, Camus Creek, Elk Creek, Thomas Creek, Benton Creek, Beaver Creek, Rock Creek, Freeman Creek, One Creek, Two Creek and Trout Creek drain the southeast flank of the Big Belt Mountains.

Below Fort Logan, the Smith River valley narrows and becomes a deep, spectacular canyon incised about a thousand feet into the predominantly limestone Paleozoic strata. The angle of the strata indicates the river has cut across the axis of the central Montana arch, and in so doing has exposed the Paleozoic strata in sequence south to north from basal Cambrian upward through the Cambrian, Devonian, Mississippian, Jurassic, and Cretaceous strata. The latter two periods of strata are exposed from near the Hound Creek junction northward.

Numerous and varied geologic processes are evident, and exposures of rock strata range in age from pre-Belt crystalline metamorphics to Tertiary. The rock strata are thrown into folds, extensively faulted, and intruded by several varieties of igneous rocks.

Surrounding this remote river is a major highway system, connecting several population centers. Interstate Highway No. 15 to the west; U. S. Highway 12 to the south; and U. S. Highway 89 to the east provide access to White Sulphur Springs (and the Smith River area) from Helena, Great Falls, Bozeman, and Livingston. This surrounding area has a current population between 150,000 and 200,000.

FISH AND WILDLIFE

The Smith River offers excellent sport fishing in a semi-wilderness experience. Surveys indicate that the most numerous species of fish in the Smith River is the mountain whitefish. Wild rainbow and brown trout, however, form the mainstay of present sport-fishery. Since they grow larger than rainbows, anglers consider brown trout

the trophy fish of the river. Other game fish present include burbot(ling), brook and cutthroat trout. Non-game fish found in the Smith include longnose sucker, white sucker, mountain sucker, longnose dace, stonecat, mottled sculpin, and carp.

While less known than the fishery, wildlife populations also contribute to the considerable recreational qualities of this area. In addition to supporting a resident mule deer population, the canyon portion of the river supplies an important winter range for mule deer and elk from both the Big and Little Belt Mountains. It also provides a year-round home for black bears, mountain lions, mountain grouse, raccoons, and a variety of other wildlife species generally associated with river bottom habitat. White-tailed deer, pheasants, and sharp-tailed grouse are also found throughout the lower, flood-plain segment of the river where "shrubby" vegetation interspersed with agriculture provides an excellent habitat.

SCENIC QUALITY

The Smith River canyon has long been known to relatively few people as an area of unique beauty and solitude. The upper reaches are dominated by the timbered slopes of the Belt Mountains and the broad grasslands of the Smith River valley. Floating the river downstream, visitors soon encounter the rugged limestone cliffs and outcroppings on either side towering high overhead. Always the canyon's dominant feature, these cliffs sometimes appear to block the floater's passage completely and then slip by as the channel twists and turns between the enclosing walls. The buff-colored rocks stained with hues of brown, red, and yellow offer ever-changing vistas of color and form.

Dense stands of evergreens line the canyon rims and extend into the canyon to meet the meadows and bottomlands along the river. Washed gravel bars and shaded benchlands offer river visitors frequent opportunities to stop and absorb the unique beauty of the canyon; a beauty which is enhanced by a feeling of remoteness, solitude, and closeness to nature which can be found only where human intrusions are not evident.

HISTORY

For many centuries prior to Anglo exploration in the Smith River basin, Native Americans were attracted to the area. The recesses of the canyon offered shelter from the harsh winters, and concentrations of game animals provided food, clothing and other necessities for life. Remnants of aboriginal occupation can still be found in the form of numerous tipi rings, pictographs, and occasional artifacts.

The first intrusion by Anglo people into the area resulted from the stimulus of the fur trade. Hardy trappers undoubtedly entered the

area in search of furs and perhaps floated their catch down the Smith and the Missouri Rivers to eastern trade centers.

In the early 1860s the discovery of gold in the surrounding mountains stimulated a heavy influx of miners. Camp Baker, founded in 1869 by U. S. troops to provide protection to miners and settlers, was later moved twelve miles and renamed Fort Logan. When conflicts with Indians became less serious, Fort Logan was abandoned. A well-preserved blockhouse is still standing on the site.

Beginning in 1884 and continuing through the 1890's, the Smith River and its tributaries were used to float logs down to the Missouri and on to Great Falls. As gold veins became depleted and mining operations abandoned, farming and ranching began to take over as the predominant economy, and they remain so today.

CHAPTER 2 - NEEDS, CONSTRAINTS AND OPPORTUNITIES

This portion of the plan provides background information on each issue including characteristics of the Smith River. It also states what the management needs are to meet the goals of the Smith River Management Act.

2.1 River Capacity

The Smith River Management Act authorizes the Fish, Wildlife and Parks Commission the authority for regulating recreational use of the Smith River to

(a) consider the tolerance of adjacent landowners to recreational use;

(b) consider the capability of the river and adjoining lands to accommodate floating and camping use; and

(c) ensure an acceptable level of user satisfaction, including minimizing user conflicts and providing for a level of solitude.

Capacity, the area's capability to support floating and camping, can be defined and measured in many different ways, including the following:

"Physical" carrying capacity refers to the amount of use that can occur before the physical resources of the canyon begin to deteriorate.

"Facility" carrying capacity refers to the actual amount of physical space available for recreational use of the Smith. This space refers to such things as the number of boatcamps, the amount of level camping space, and the number of parking spaces at put-ins and takeouts. Department personnel estimated the facility carrying capacity of established campsites in 1993. (See Figure 1.)

"Social" carrying capacity refers to the level of use beyond which the recreational values associated with the river begin to deteriorate. This measure relates directly to what type of experience floaters are seeking in terms of solitude.

"Managerial" carrying capacity integrates the various types of capacity to set the level of use which doesn't cause unacceptable changes either to the natural environment or visitors' recreational experiences.

Figure One : Smith River Boatcamp Inventory (Page 1)

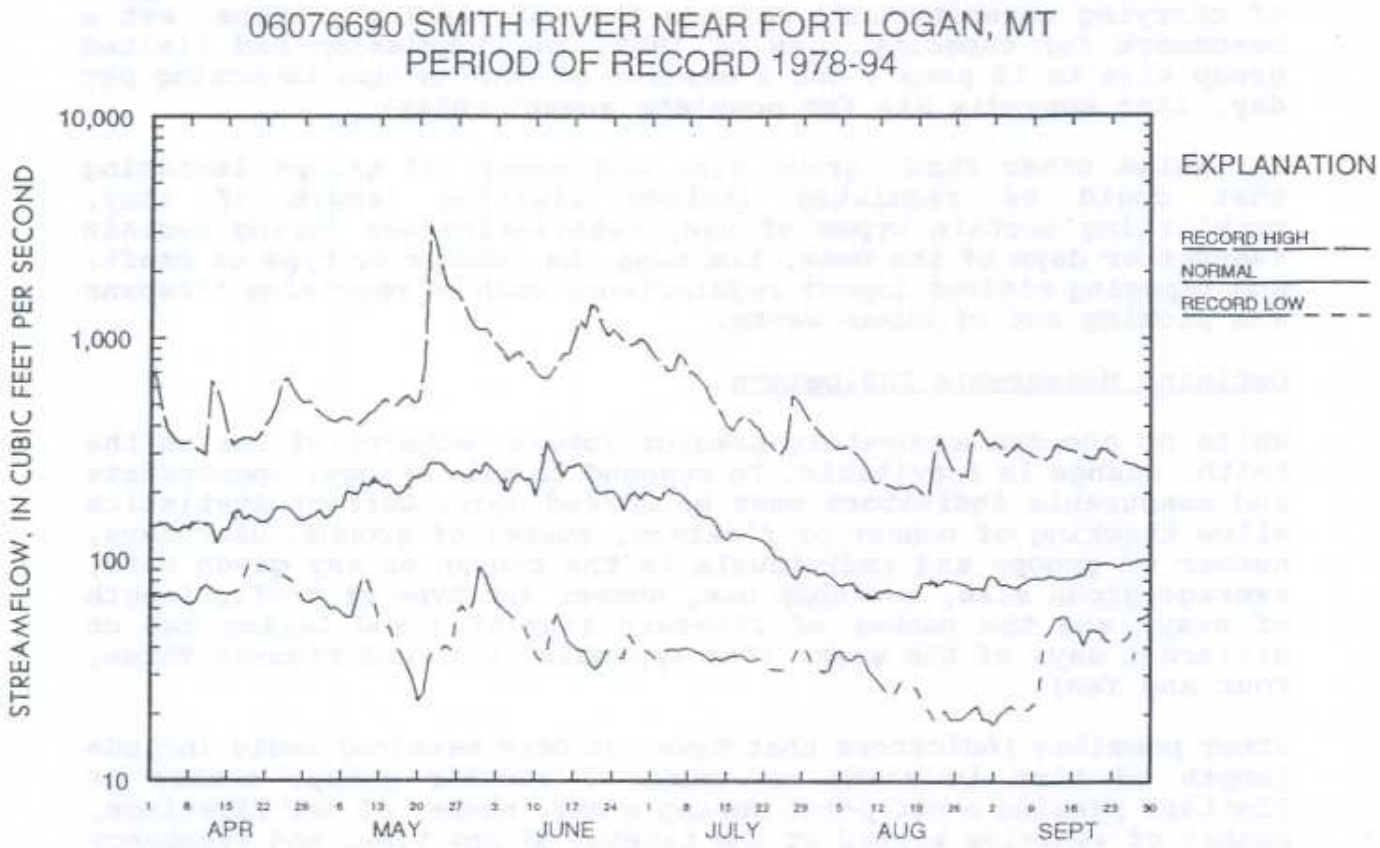
RIVER MILE	BOAT CAMP NAME	CAPACITY (# PEOPLE)	LANDING AREA SLOPE	LANDING AREA WIDTH IN FEET	LANDING AREA CHARACTER	LATRINE SLOPE	LATRINE DISTANCE IN FEET	LATRINE SCREENING	SLEEPING SQUARE FT	AREA ACCESS	SITE CHARACTER
5	UPPER SPRING CREEK	15	STEEP	120	GRASSY	STEEP	193	N-VEG	5968	POOR	GRASSY BENCH
5	LOWER SPRING CREEK	15	MODERATE	87	GRASSY	MODERATE	163	N-BRUSH	1590	FAIR	GRASSY BENCH
6.5	IN LIEU	10	GENTLE	75	GRASSY	GENTLE	360	E - SLABS	316	POOR	GRASSY BENCH
6.8	UPPER INDIAN SPRINGS	10	MODERATE	117	GRASSY	GENTLE	85	N-BRUSH	1551	GOOD	FORESTED BENCH
6.8	MIDDLE INDIAN SPRING	15	MODERATE	90	GRASSY	MODERATE	156	N- TREES	1338	GOOD	FORESTED BENCH
6.8	LOWER INDIAN SPRINGS	10	GENTLE	150	GRASSY	GEN/MOD	200	E- SLABS	1031	FAIR	TREES/BOULDERS
7.1	UPPER ROCK GARDEN	10	MODERATE	100	GRASSY	GENTLE	300	N-BRUSH	3480	FAIR	FORESTED BENCH
7.1	LOWER ROCK GARDEN	10	GENTLE	150	GRASSY	GENTLE	170	E-BRUSH	1008	FAIR	FORESTED BENCH
9.5	ROCK CREEK	15	GENTLE	115	ROCKY/SAND	GENTLE	250	E- BRUSH	902	GOOD	GRASSY BENCH W/
12.6	UPPER SCOTTY ALLEN	10	GENTLE	120	GRASSY	GENTLE	254	E-PLYWOOD	819	GOOD	GRASSY BENCH
12.6	MIDDLE SCOTTY ALLEN	10	GENTLE	394	GRASSY	GENTLE	221	E- TREES	505	GOOD	GRASSY BENCH
12.6	LOWER SCOTTY ALLEN	15	GENTLE	80	GRASSY	GENTLE	251	E- BRUSH	1370	FAIR	FORESTED BENCH
15.5	UPPER DRY CANYON	15	GENTLE	85	GRASSY	GENTLE	70	E-SLABS	1286	FAIR	GRASSY BENCH
15.5	LOWER DRY CANYON	10	GENTLE	112	GRASSY	GENTLE	210	E- SLABS	977	GOOD	GRASSY BENCH
17.8	CANYON DEPTH	10	STEEP	60	ROCKY CUT	GENTLE	258	VEG TOPO	1212	POOR	FORESTED BENCH
19	TWO CREEKS	10	MODERATE	60	GRAVEL	STEEP	450	TOPO	1432	POOR	GRASSY BENCH
19.5	SHEEP WAGON	15+	GENTLE	150	GRASSY BEA	GENTLE	450	E- SLABS	1170	GOOD	FORESTED BENCH
24	UPPER COW COULEE	15	GENTLE	113	GRASSY	GENTLE	312	E- SLABS	1570	GOOD	FORESTED BOTTOM
24	MIDDLE COW COULEE	15	MODERATE	90	GRAVEL	GENTLE	225	E- SLABS	1368	FAIR	FORESTED BOTTOM
24	LOWER COW COULEE	15+	MODERATE	95	GRASSY	MODERATE	250	VEG	1809	FAIR	GRASSY BENCH
25	UPPER SUNSET CLIFF	10	MODERATE	150	GRASSY	STEEP	240	VEG/TOPO	724	FAIR	GRASSY BENCH
25	MIDDLE SUNSET CLIFF	10	MODERATE	70	GRASSY	MODERATE	300	VEG	702	POOR	GRASSY BENCH
25	LOWER SUNSET CLIFF	15+	STEEP	180	GRASSY	GENTLE	242	VEG	1328	POOR	FORESTED BENCH
27	COUNTY LINE	10	MODERATE	54	GRASSY	GENTLE	254	VEG	1059	POOR	GRASSY BENCH
30.5	UPPER BEAR GULCH	15	MODERATE	120	GRASSY	GENTLE	300	VEG	1161	FAIR	GRASSY BOTTOM
30.5	LOWER BEAR GULCH	10	MODERATE	60	GRASSY	GENTLE	150	VEG	576	GOOD	GRASSY BOTTOM

Figure One : Smith River Boatcamp Inventory (Page 2)

RIVER MILE	BOAT CAMP NAME	CAPACITY (# PEOPLE)	LANDING AREA SLOPE	LANDING AREA WIDTH IN FEET	LANDING AREA CHARACTER	LATRINE SLOPE	LATRINE DISTANCE IN FEET	LATRINE SCREENING	SLEEPING SQUARE FT	AREA ACCESS	SITE CHARACTER
32	UPPER TROUT CREEK	10	GENTLE	74	GRAVEL	MODERATE	390	VEG	700	FAIR	FORESTED BENCH
32	MIDDLE TROUT CREEK	15+	GENTLE	150	GRAVEL	STEEP	300	E- SLABS	925	POOR	FORESTED BENCH
32	LOWER TROUT CREEK	10	MODERATE	280	GRASSY	MODERATE	366	VEG-TOPO	496	POOR	FORESTED BENCH
33.5	CROWSFOOT	15	MODERATE	67	GRASSY	GENTLE	248	TREES	2230	FAIR	COTTONWOODS
35	UPPER TABLE ROCK	10	MODERATE	84	GRASSY	GENTLE	276	VEG	650	FAIR	GRASSY BENCH
35	MIDDLE TABLE ROCK	15	GENTLE	125	GRASSY	GENTLE	165	VEG	1187	GOOD	FORESTED BOTTOM
35	LOWER TABLE ROCK	10	GENTLE	100	GRASSY	GENTLE	225	E- SLABS	1161	FAIR	GRASSY BOTTOM
36.5	UPPER FRAUNHOFER	15	MODERATE	75	GRASSY	MODERATE	300	VEG	900	POOR	FORESTED BENCH
36.5	MIDDLE FRAUNHOFER	10	STEEP	62	GRASSY	GENTLE	260	E-SLABS	328	POOR	GRASSY BENCH
36.5	LOWER FRAUNHOFER	15	MODERATE	100	GRASSY	MODERATE	300	VEG	453	FAIR	GRASSY BENCH
39	UPPER PARKER FLAT	15+	GENTLE	110	GRAVEL	GENTLE	330	E- SLABS	1770	GOOD	FORESTED BOTTOM
39.5	PARKER FLAT # 1	15	MODERATE	150	GRASSY	GENTLE	280	PLYWOOD	866	FAIR	FORESTED BOTTOM
39.5	PARKER FLAT # 2	10	MODERATE	45	GRASSY	MODERATE	187	VEG	642	POOR	FORESTED BOTTOM
39.5	PARKER FLAT # 3	15	GENTLE	150	GRASSY	GENTLE	167	VEG	773	GOOD	FORESTED BOTTOM
41.2	PARADISE BEND	15+	MODERATE	80	ROCKY	GENTLE	317	VEG	1640	FAIR	COTTONWOODS
45.8	STAIGMILLER	15	GENTLE	82	GRAVEL/WIL	GENTLE	270	VEG	834	FAIR	WILLOW BOTTOM
46.2	MERGANSER BEND	10	MODERATE	35	GRAVEL	GENTLE	210	VEG	200	FAIR	WILLOW BOTTOM
46.6	UPPER BLACK BUTTE	10	STEEP	58	GRAVEL	MODERATE	321	VEG	450	POOR	FORESTED BENCH
46.6	LOWER BLACK BUTTE	15	STEEP	60	GRAVEL	MODERATE	190	VEG	1355	POOR	FORESTED BENCH
46.7	UPPER RIDGETOP	15	STEEP	60	GRAVEL	GENTLE	375	VEG	2286	POOR	FORESTED BENCH
46.7	MIDDLE RIDGETOP	15	MODERATE	63	GRAVEL	GENTLE	350	VEG	1125	FAIR	FORESTED BOTTOM
46.7	LOWER RIDGETOP	15	MODERATE	66	GRASSY	MODERATE	314	VEG	1206	GOOD	FORESTED BOTTOM
49.1	UPPER GIVENS GULCH	5	MODERATE	100	GRASSY	GENTLE	255	VEG	550	GOOD	FORESTED BOTTOM
49.1	MIDDLE GIVENS GULCH	10	GENTLE	66	GRASSY	MODERATE	300	VEG	1044	FAIR	GRASSY BENCH
49.1	LOWER GIVENS GULCH	15+	MODERATE	60	GRAVEL	MODERATE	345	VEG	1899	FAIR	GRASSY BENCH
49.3	UPPER RATTLESNAKE	15	MODERATE	125	GRASSY	MODERATE	300	VEG	2241	POOR	GRASSY BENCH
49.3	LOWER RATTLESNAKE	15+	MODERATE	75	GRASSY	MODERATE	500	VEG	3750	POOR	GRASSY BENCH

Along with regulations, a number of other factors directly affect capacity, including lack of public access points along the river and the amount of water, which limits the length of the floating season.

Figure Two : Smith River Flows Near Fort Logan
1978 - 1994



Setting the Smith's Carrying Capacity

Setting a capacity for the Smith is not, however, merely establishing a single carrying capacity number. Rather, it requires the more complicated analysis. More specifically, it requires defining what is the recreational experience that has made the Smith so popular, how its specific problems might be corrected, and how the rate of human changes to the river might be kept within acceptable levels to preserve its unspoiled character.

After analyzing these aspects of using the Smith for recreation, the Fish, Wildlife and Parks Commission measured the various types of carrying capacity and, through the rule-making process, set a benchmark for capacity. As of 1993, the Commission had limited group size to 15 people and a maximum of nine groups launching per day. (See Appendix Six for complete annual rules)

Variables other than group size and number of groups launching that could be regulated include limiting length of stay, prohibiting certain types of use, restricting use during certain seasons or days of the week, limiting the number or type of craft, and imposing minimum impact regulations, such as requiring firepans and packing out of human waste.

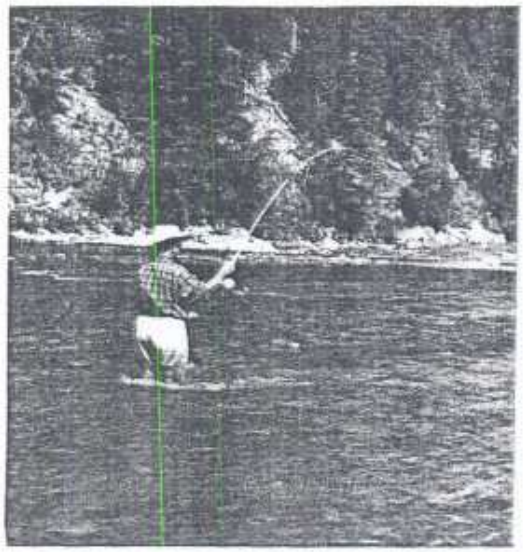
Defining Measurable Indicators

While no one can accurately predict future patterns of use on the Smith, change is inevitable. To respond to this change, appropriate and measurable **indicators** must be agreed upon. Current statistics allow tracking of number of floaters, number of groups, user days, number of groups and individuals in the canyon on any given date, average group size, boatcamp use, number and type of craft, length of stay, and the number of floaters launching and taking out on different days of the week. (See Appendix Seven and Figures Three, Four and Ten).

Other possible indicators that have not been measured could include length of time in sight or sound of another group, number of floaters passing a set point during a day, number of new firerings, number of vehicles parked at the takeout at any time, and frequency and/or location of latrine hole digging.

For each indicator, a **standard** is then set: that is, a number that alerts management that an unacceptable change in the quality of the Smith River Corridor is about to occur. These standards are numbers, such as an average group size of 10 or a total of 600 people in the canyon at any one time. When recreational use of the Smith reaches these standards, management acts upon its goals and objectives. One course of action is escalating levels of management intended to mitigate the effects of change.

To be effective, this Plan needs to specify what types of recreational opportunities will be managed on the Smith and to define indicators, standards and procedures for monitoring levels of use. The plan also needs to specify what actions may be taken when indicators show that the river experience and natural resources are being changed unacceptably because of the level of use.



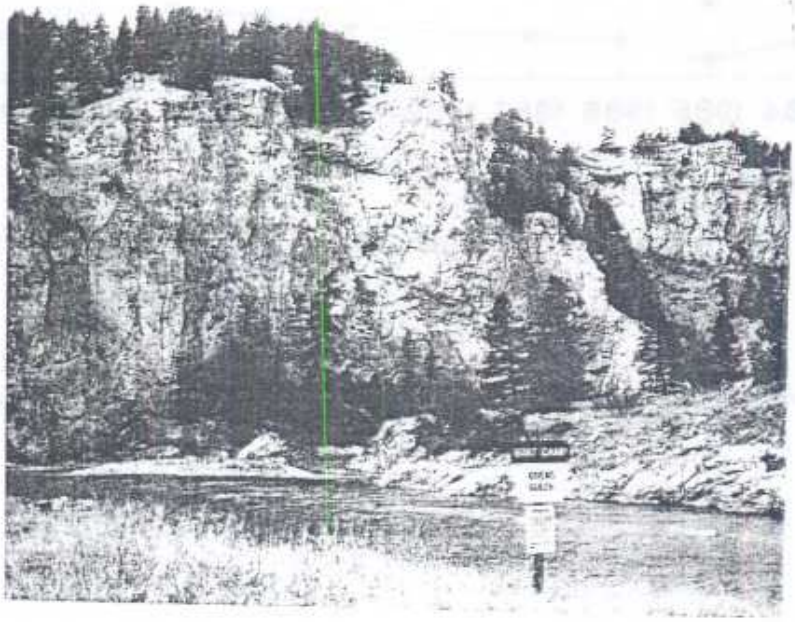


Figure Three: Number of Smith River Floaters 1983 - 1995

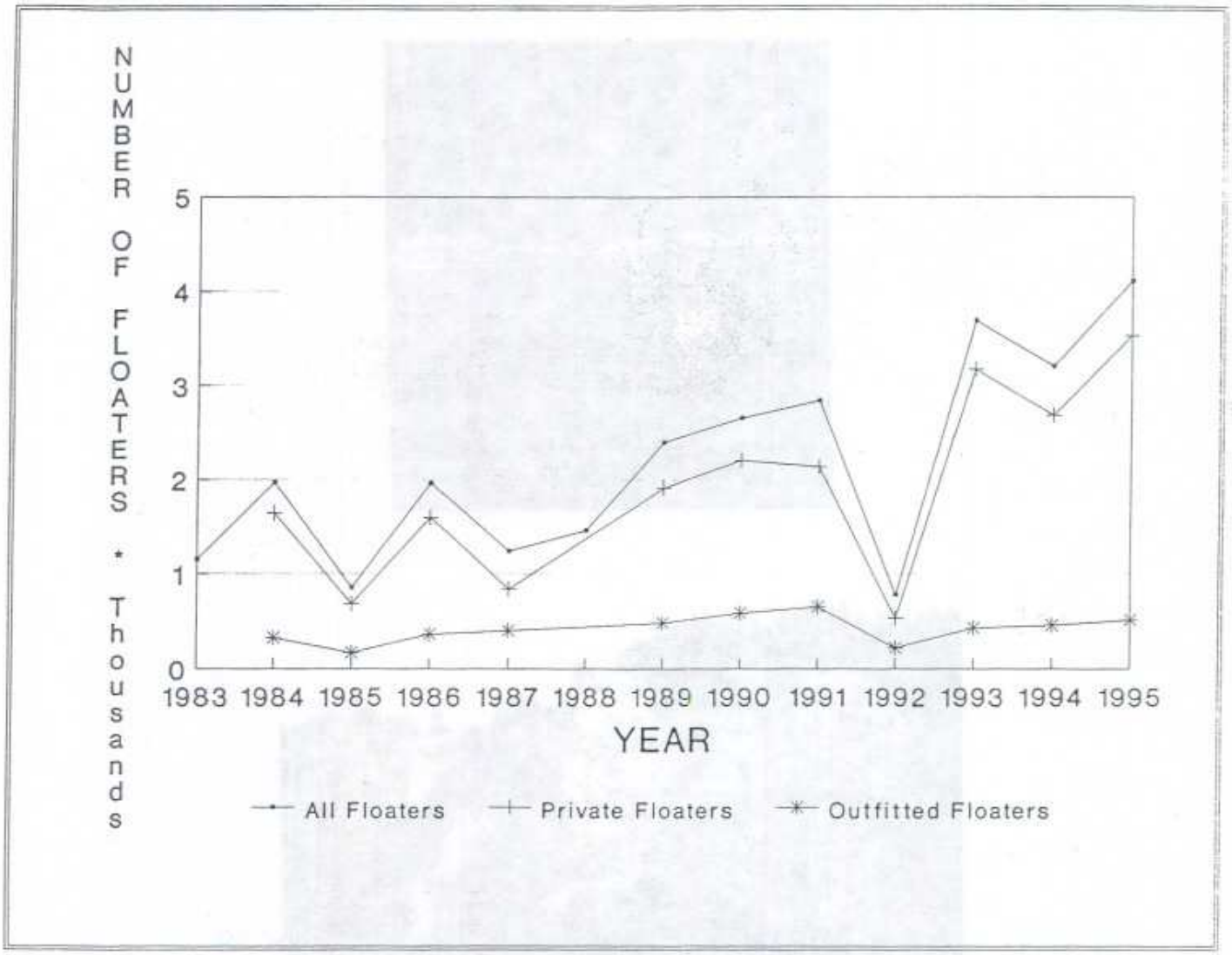
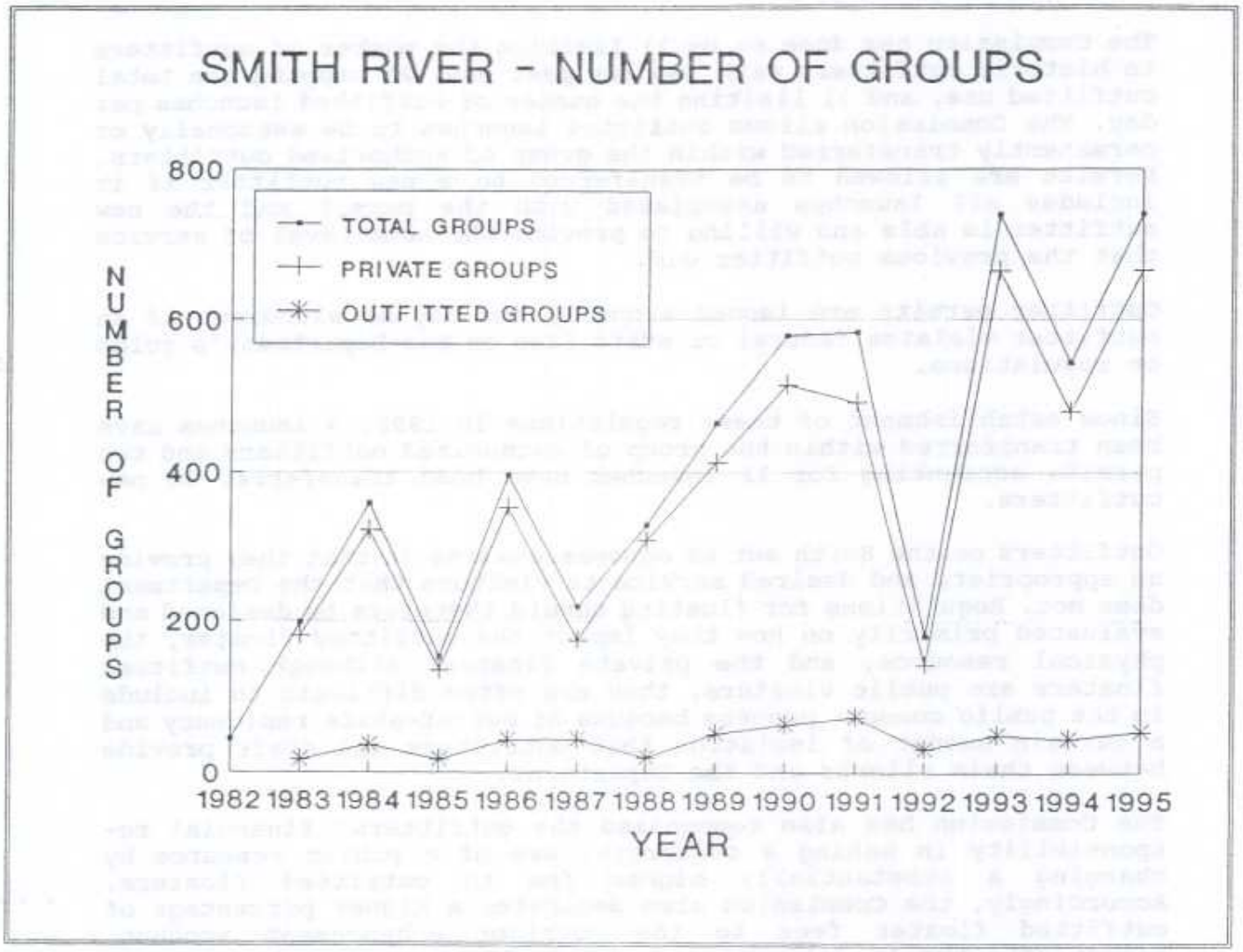


Figure Four : Number of Smith River Groups 1982 - 1995



2.2 Outfitter Management

The Smith River Management Act, as part of its purpose section states, is "to provide continued recreational and commercial use and enjoyment of the Smith River." The Act gives the Fish, Wildlife and Parks Commission authority to "regulate the activities of recreational and commercial users of the water and land in the Smith River waterway."

The Commission has done so by 1) limiting the number of outfitters to historic outfitters with regular past use, 2) capping the total outfitted use, and 3) limiting the number of outfitted launches per day. The Commission allows outfitted launches to be seasonally or permanently transferred within the group of authorized outfitters. Permits are allowed to be transferred to a new outfitter if it includes all launches associated with the permit and the new outfitter is able and willing to provide the same level of service that the previous outfitter did.

Outfitter permits are issued annually and may be withdrawn if an outfitter violates federal or state laws or the Department's rules or regulations.

Since establishment of these regulations in 1992, 3 launches have been transferred within the group of authorized outfitters and two permits accounting for 12 launches have been transferred to new outfitters.

Outfitters on the Smith act as concessionaires in that they provide an appropriate and desired service to visitors that the Department does not. Regulations for floating should therefore be designed and evaluated primarily on how they impact the outfitted floater, the physical resource, and the private floater. Although outfitted floaters are public visitors, they are often difficult to include in the public comment process because of out-of-state residency and a certain amount of isolation that outfitters and staff provide between their clients and the Department.

The Commission has also recognized the outfitters' financial responsibility in making a commercial use of a public resource by charging a substantially higher fee to outfitted floaters. Accordingly, the Commission also dedicates a higher percentage of outfitted floater fees to the corridor enhancement account, recognizing the traditional investment of concessionaire fees in park facility infrastructure. In the case of the Smith, the primitive canyon is the primary example of the facility.

On the other hand, the United States Forest Service has responsibility for administering outfitted use of National Forest lands. Its authority is set forth in federal statutes. The Forest Service Manual and Forest Service Handbooks are thus the field-level

administrative guides for the Ranger District, which is the lead unit in managing outfitted use of Forest lands.

The Department and the Lewis and Clark and Helena National Forests formally agreed, through the Smith River Maintenance and Operating Agreement, to cooperate in managing the resources of the Smith. Presently, both agencies administer separate permitting procedures for outfitters on the Smith, including reporting use and collecting fees from authorized outfitters. The Commission recognizes the duplication of administration by requiring that the Department reimburse outfitters for the amount of fees paid to the Forest Service.

The Montana Board of Outfitters has authority to license and regulate outfitters under Title 37 of the State of Montana Statutes and Chapter 39 of the Administrative Rules of Montana. After setting the overall level of use for the river, the Commission requested the Board's assistance in allocating use of the Smith among historic outfitters during the 1993 rule-making process.

At present, the plan needs to define outfitted use more precisely and specify ways to increase cooperation and coordination between agencies for enforcing the rules and regulations that manage outfitters', their clients', and the public's use of the Smith. The Plan also needs to establish operation standards that will promote protection of the Smith River Corridor and encourage a high quality experience for outfitted floaters.

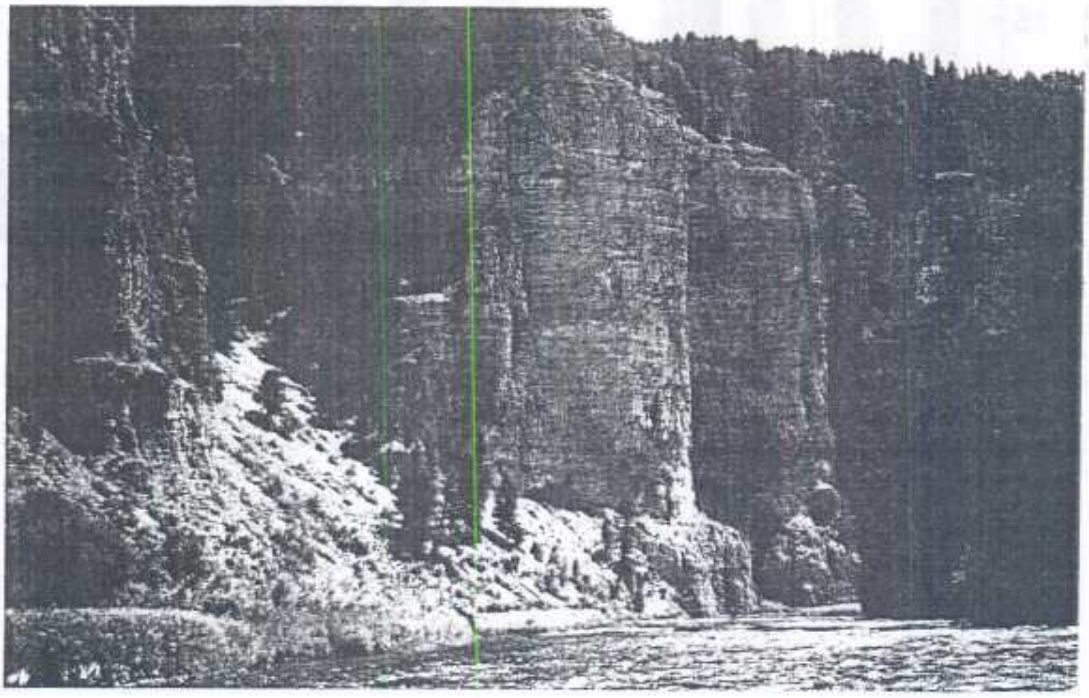


Figure Five - Smith River Outfitted Percentage of Use
1984 - 1995

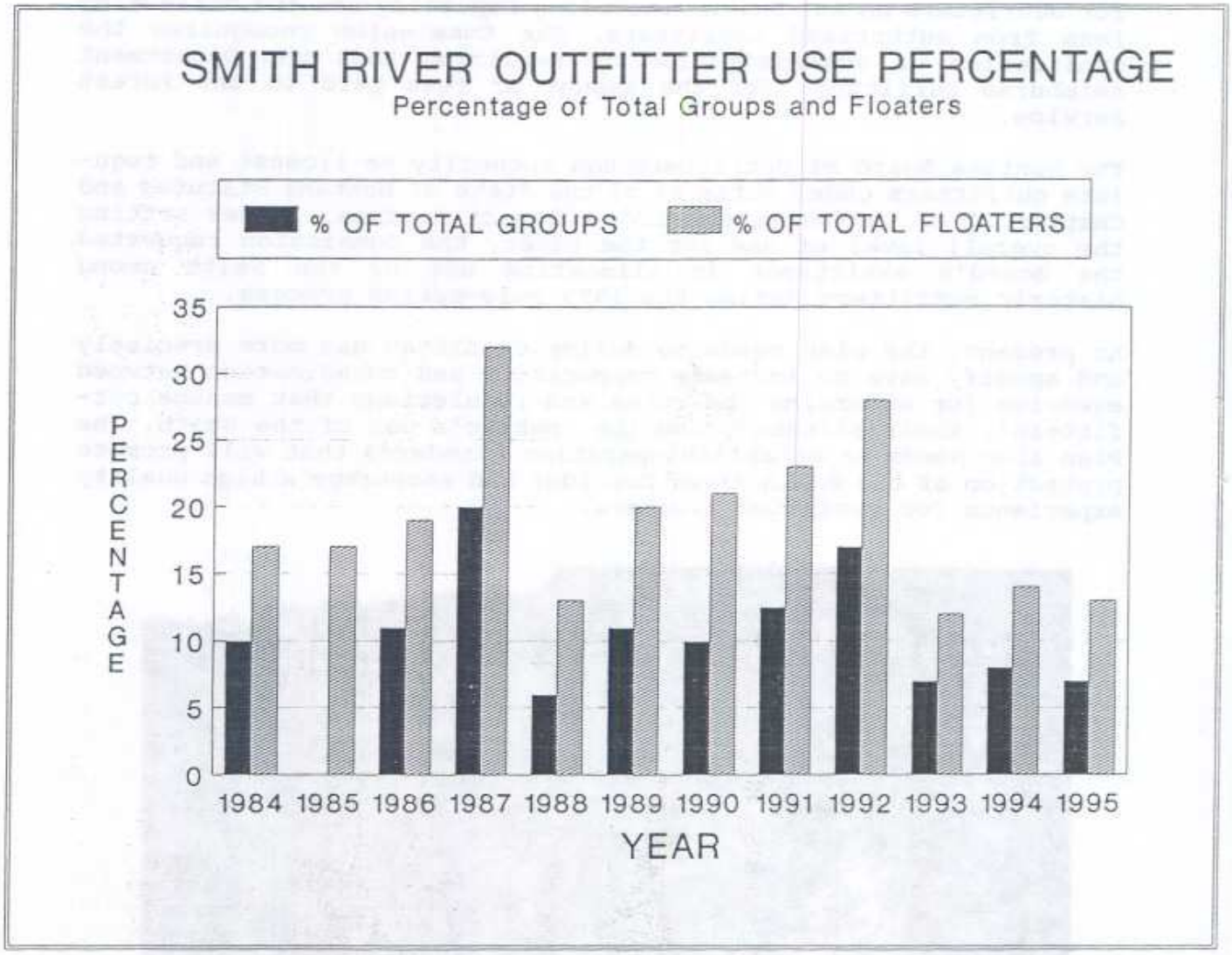
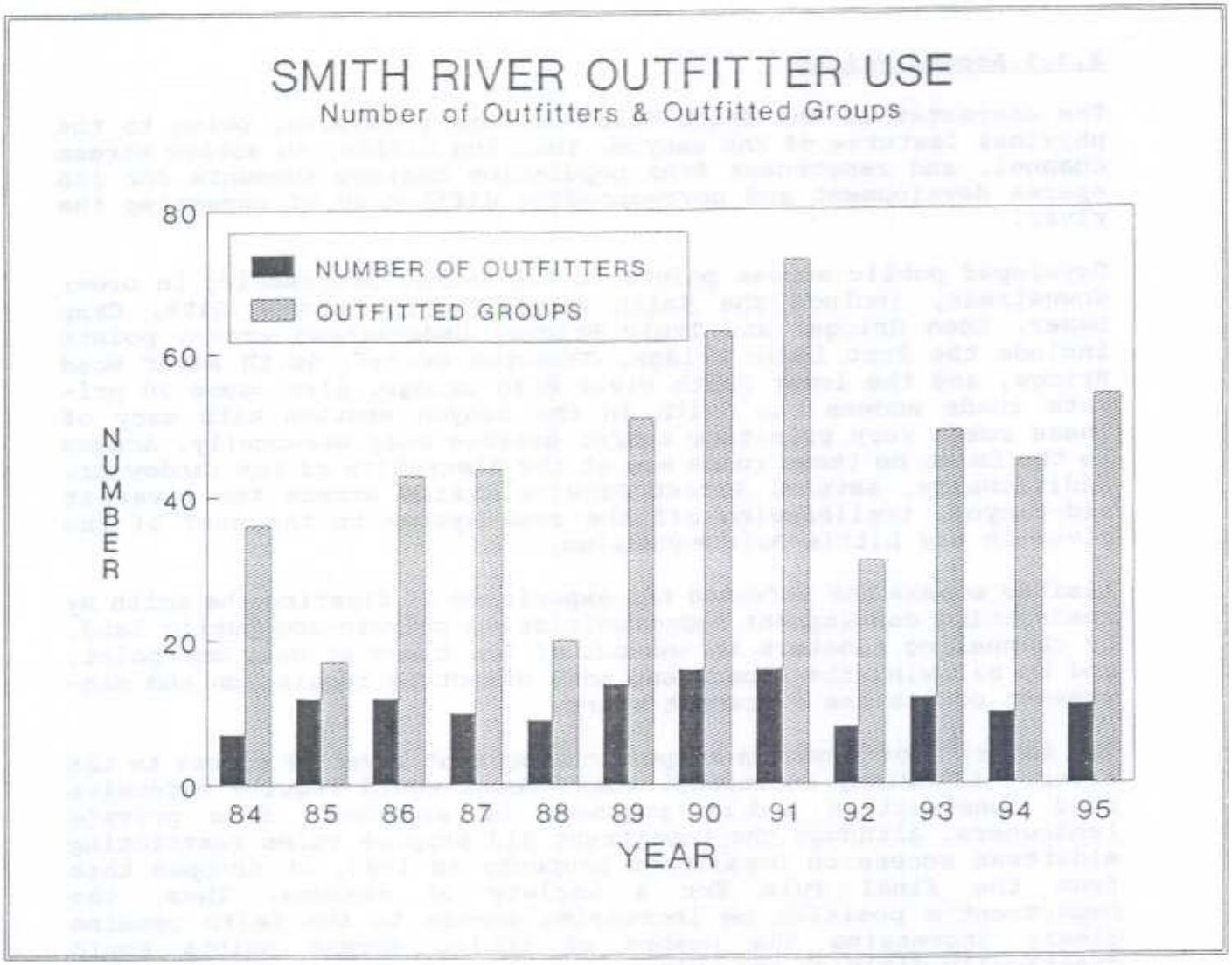


Figure Six - Smith River Outfitted Use 1984 - 1995



2.3 Access

For the purposes of this Plan, access refers to 1) entry points to the river corridor and 2) facilities where recreationists with disabilities may gain entrance to the Smith.

2.3.1 Access Points

The character of the Smith River is semi-primitive, owing to the physical features of the canyon. Towering cliffs, an active stream channel, and remoteness from population centers accounts for its sparse development and corresponding difficulty of accessing the river.

Developed public access points to the Smith, progressing in order downstream, include the Smith River Fishing Access Site, Camp Baker, Eden Bridge, and Truly Bridge. Undeveloped access points include the Fort Logan Bridge, Johnston Bridge, Smith River Road Bridge, and the lower Smith River Road bridge. Also, some 20 private roads access the Smith in the canyon section with many of these roads very primitive and/or useable only seasonally. Access to the Smith on these roads are at the discretion of the landowner. Additionally, several Forest Service trails access the river at mid-canyon, trailheading off the road system to the east of the river in the Little Belt Mountains.

Limited access has affected the experience of floating the Smith by restricting development opportunities on private and public land, by channeling floaters in and out of the river at only one point, and by allowing the Department more effective regulation and management of its use in recent years.

The majority of floaters support the current level of access to the river. Likewise, additional road access would require extensive road construction and/or purchase of easements from private landowners. Although the Department did propose rules restricting midstream access on Department property in 1990, it dropped them from the final rule for a variety of reasons. Thus, the Department's position on increasing access to the Smith remains clear: increasing the number of public access points would drastically diminish the unique recreational experiences the river corridor provides.

The Plan therefore needs to state the Department's policy about providing additional access points clearly and forcefully.

2.3.2 Accessibility

Because the MDFWP receives federal funding, it is required to comply with the Rehabilitation Act of 1973. Section 17.217(e) of Section 504 of this act provides that, "A recipient shall operate each program or activity, when viewed in its entirety, is readily accessible to and usable by handicapped persons. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by handicapped persons." Regardless of the act's requirements, the DFWP is committed to providing all members of the public with equal opportunities to enjoy all of its programs and facilities.

Historically, management of the Smith River has met that commitment. People with both physical and mental disabilities have benefitted from the recreational activities it offers. River floating and fishing have proven ideal activities for disabled citizens because mobility is not a requirement for rowing or paddling a water craft or to casting a fishing line.

To ascertain Smith River boatcamp accessibility, the Department completed a facility inventory of the boat-camps along the river in 1993, as is shown in Figure One. This inventory lists the slope and character of the landing as well as the slope and distance to the latrine. This information is available to anyone, either prior to applying for a launch and at the put-in, to assist individuals in choosing campsites that will best suit their needs.

Vehicular access at both the put-in and takeout is excellent and immediate to the river. There is, however, a need to upgrade the accessibility of the latrine facilities at both sites.

On the matter of improving accessibility, the Plan also needs to list further actions that will accommodate the needs of disabled recreationists more fully.

2.4 User Fees

User fees have been charged on the Smith since 1991 under the authority of the Smith River Management Act. Operating budget and amount of fees collected is shown in Figure Six. Fees collected on the Smith are credited to the park's earned revenue account, one of three current funding sources for the Smith. $50 of each outfitted floater fee and 10% of all other user fees are deposited in the Smith River Corridor Enhancement Account.

Figure Seven - Total DFWP Smith River Expense and Fee Collections 1982 - 1994

Expense includes: Department costs, including Personal services, operations, Boat camp leases, Fees rebated to Outfitters, and Capital Development Costs.

Collections include Floater fees, Forest Service cost - Share funds and grazing fees.

Corridor Account includes $50.00 per outfitted client and 10% of all other fees.

	EXPENSES	COLLECTIONS	CORRIDOR ACCT
1982	$9,271		
1983	$17,855		
1984	$8,304		
1985	$10,269		
1986	$39,620		
1987	$25,190		
1988	$25,000		
1989	$26,022		
1990	$44,693	$210	
1991	$75,177.91	$50,397	
1992	$117,046.66	$22,498.41	$929.00
1993	$87,905.16	$75,612.35	$11,989.53
1994	$80,712.78	$69,444.53	$17,144.98
1995	$86,629.01	$90,543.15	$21,525.82

Capital Development occurred in 1983, 1986, 1990, 1991, and 1992.

Operating costs for managing the Smith are relatively fixed. Salaries, wages, utilities, transportation, and supplies will remain stable. Fee revenue, however, can vary greatly dependent on water flow since low water renders floating impractical. Low-water years, such as 1992, will result in revenue far below expenditures, while high water years will generate revenue closer to the full costs of the program.

The Plan, consequently, needs to state DFWP objectives for generating revenue and thus maintaining a user supported program.

2.5 Corridor Enhancement Account

The earliest Euro-American land uses of the Smith Canyon were consumptive: trapping, mining, logging, and trails to and from these resources. Access into the canyon evolved from these trails into routes used by homesteaders and more permanent activities. Consequently, the very earliest recreational floaters experienced a truly remote canyon, seeing only the occasional resident struggling to make a living off marginal land. The few established agricultural lands along the river have been operated primarily as parts of larger ranching operations with owners living away from the river. Thus, agricultural use of the river corridor has had for the most part little impact on the floating experience.

Although the remote and rugged nature of the Smith has served to limit the development of lands along the river, the same aesthetic qualities have made it attractive for recreational development. Local residents of Great Falls were the first to desire recreational land use along the river. Two major housing developments, Castle Bar and Two Creeks subdivision, were platted in the early 1960's. During this period, Everett "Junior" Carlson ran a quasi-commercial campground on his homestead along the river, allowing camping trailers and construction of cabins in exchange for supplies and cash.

In 1970 the Governor's Council on Natural Resources and Development noted that "limited access has precluded intensive development up to this time. This situation cannot be expected to last, and it is imperative that this problem be reckoned with."

Since this statement was written, slow but steady development has occurred in the canyon. Three commercial guest ranches operate on or adjacent to the river. Additional construction of cabins at the two subdivisions and other established settlements occurs almost yearly. Practically all of this activity has occurred on the west bank because of its easier access for development and private ownership of the land.

More recently, development along the river reveals a heightened sensitivity about maintaining the river corridor's primitive character. Landowners, in partnership with the Montana Land

Reliance, are increasingly using conservation easements to limit development in the corridor while also benefiting from reductions in property and inheritance taxes. The "stair-step" landscape of the canyon also serves to hide much of the development and maintain a "primitive" view for floaters.

Consequently, floaters have a unique perspective on development along the Smith. Since they view the corridor in total, the primitive appearance of most portions of the river corridor contrasts sharply with developed areas. New developments are particularly evident because of the associated impact of road construction, the seemingly sudden presence of people in new areas, and the high percentage of floaters who return year after year. Concern about development is a consistent theme of floater's comments, ranging from resignation to vehement opposition.

Another preservation concern is the impact of floaters. This impact is generally concentrated at the campsites and consist of soil disturbance (including bank erosion), littering, trampling vegetation, cutting of live trees, and disruption of fish and wildlife populations.

Realizing Preservation Objectives

The 1988 Smith River Plan had a management objective for the river corridor, namely, to "protect the natural scenic integrity of the Smith River Canyon." It stressed cooperative action with private landowners and other agencies to meet this desirable end. The plan, moreover, listed conservation easements, land exchanges, leases, land purchases, donations, zoning, and special designations for use in some areas as means for preserving the Smith's scenic qualities. But since the plan has been implemented, the Department has used only leases for boatcamps and special designations created by the Smith River Management Act to achieve this objective.

The Smith River Management Act, which followed a year later, had a similar objective. Specifically, it addressed changing land use in the corridor by stating as part of its purpose the need to "protect the integrity of the river's water and canyon resources for future generations." At the same time, however, the Act's language contains the qualification that "nothing in this part may be construed in any way to restrict a landowner's access to or use of his land, improvements, water rights, or adjacent waterways."

The Act also directed the Department to "maintain the opportunity to enjoy the natural scenic beauty and solitude; and conserve fish and wildlife and scientific and recreational values." Likewise, the Act gives the Fish, Wildlife and Parks Commission rule-making authority to "regulate the land in the river corridor that is under control of the department and commission: ...to preserve the experience of floating, fishing, and camping in a natural environment;

... and to minimize conflicts between recreationists and private landowners...."

To support these preservation efforts, the Commission has established the Smith River Corridor Enhancement Account (CEA) funded by ten percent of all user fees and $50.00 per outfitted client. The stated purpose of this account is to "better manage and protect the river corridor." Figure Six shows the amounts deposited in this account to date.

Given the limited success of these preservation efforts, the Smith River Management Plan needs to re-evaluate the corridor management tools available in light of the SRMA and the CEA. Specifically, the Plan should determine activities for which the CEA can be used. Also, the Department's relationship with other agencies and private organizations regarding land-protection activities needs to be defined more clearly. Moreover, the Plan needs to describe more precisely a number of realistic objectives for preserving the corridor and detailed steps to achieve them.

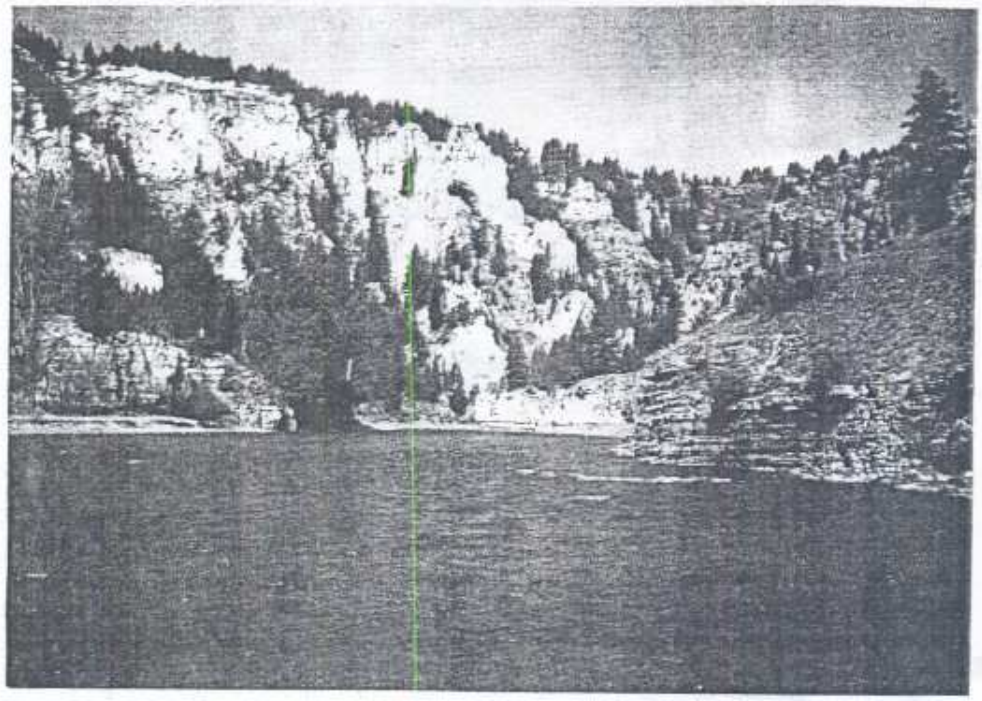
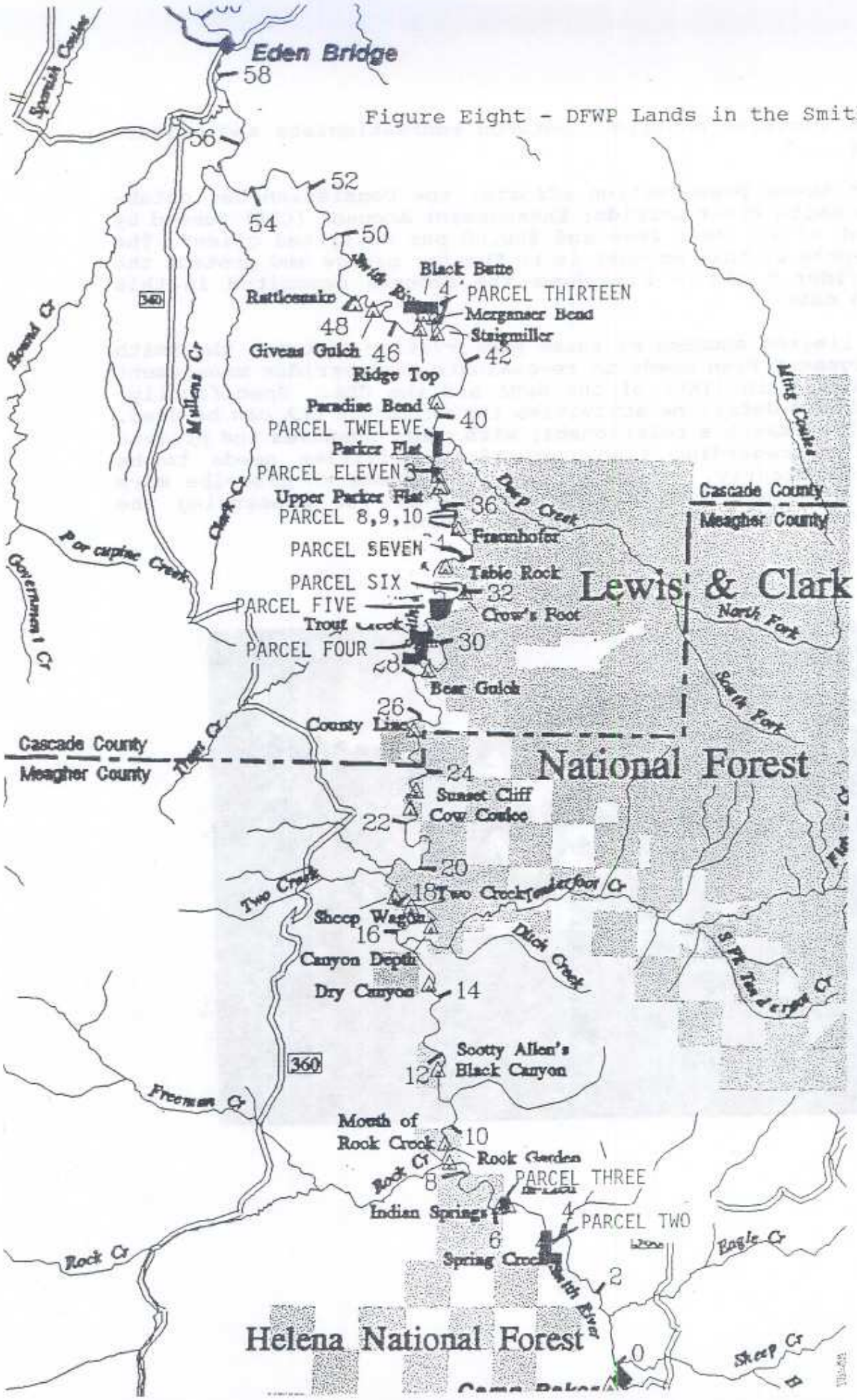


Figure Eight - DFWP Lands in the Smith River Corridor



2.6 Department Land Management

The Department owns 18 parcels in the river corridor from Fort Logan to the mouth of the Smith River (see the map in Figure Eight, individual parcels are shown in Appendix Five). Thirteen of these parcels lie between Camp Baker and Eden Bridge and were part of a three-way land exchange between the Montana Department of State Lands, the Bureau of Land Management, and the Department in 1983. The other lands include the Smith River Fishing Access Site and Wildlife Management Area upstream of Camp Baker, Camp Baker Fishing Access Site, Eden Bridge Fishing Access Site (the takeout), a small tract of land at a bridge crossing on the lower Smith River, and the Ulm Bridge Fishing Access Site, which includes lands at the mouth of the Smith River.

The Department also leases land near Truly Bridge on the lower Smith River for a fishing access site as well as several boatcamps along the canyon section. The boatcamp leases have included as many as nine sites during one season.

Important aspects of Department's land management include land adjustments (disposal, trades, acquisition), weed control, and grazing/fencing.

2.6.1 Land Adjustments

The Department has authority to sell, trade or buy land in the Smith Corridor, both as a state land managing agency and as an agency working under the authority of the SRMA. The Department's land adjustment activities are regulated by state law and Administrative Rules of Montana.

The Plan needs to state overall guidelines for managing land adjustments and specify adjustment objectives for each parcel within the corridor.

2.6.2 Grazing/Fencing

Most of the Department lands in the corridor are not fenced along their boundaries. This has not been, first of all, a management priority. Likewise, many of the parcels would be difficult to fence because of continual changes in the riverbed, steep and rocky terrain, and limited access. Also, fences would create another visual intrusion into the corridor's semiprimitive landscape.

All the sites that the Department received in the 1983 exchange were under current grazing leases by the Bureau of Land Management. When the exchange took place, the Department agreed to honor the existing leases (which are nontransferable) until expiration and, at that point, reissue them with preference given to the current leaseholder for a period of ten years. At this point 8 tracts

remain under lease to three lessees and are managed under the DFWP lease out policy.

Floaters have occasionally complained about the impact of cattle on both the corridor and their floating experience. Since cattle in the past have not grazed in the corridor until mid July, it was rare for floaters and cattle to make contact with each other. Conflicts between these two uses have seemed to increase as floaters now use the river at lower water levels and for longer seasons.

The Plan therefore needs to state objectives for managing grazing on DFWP lands in the corridor.

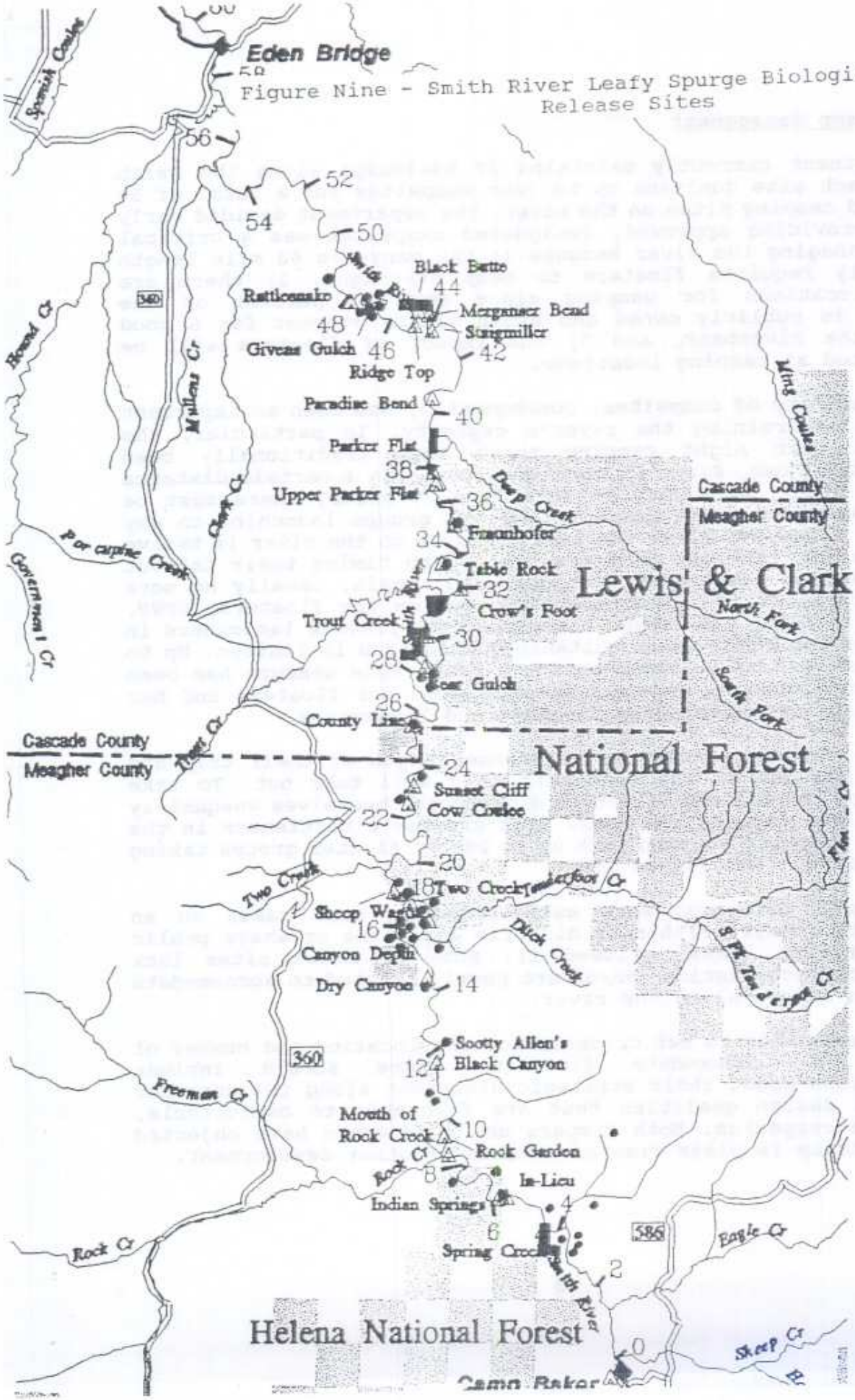
2.6.3 Weed Control

The Department is required by the Montana County Noxious Weed Management Act of 1985 (MCA 7-22-21) to control noxious weeds on its lands. In recent years there has been a major infestation of leafy spurge in the canyon. Knapweed has also been invading the area. To combat these infestations, MDFWP cooperated with the SRCRMC and Meagher County in 1991 by releasing over 20 groups of flea beetles, a biological control agent for leafy spurge. The Department's monitoring of release sites has continued since then, with additional releases in 1994. Approximate locations of release sites is shown in Figure Nine. Since it usually takes at least five years to see the impact of a successful bio-control program, this monitoring will continue. In the meantime, however, large numbers of flea beetles at certain sites in 1994 indicate that this species is established and reproducing in the area.

The Department has also cooperated in projects to increase the public's awareness of noxious weeds, including posting signs and inserting information about the weeds in floater packets.

The Plan thus needs to state the Department's policy on controlling noxious weeds and specify actions for controlling infestations.

Figure Nine - Smith River Leafy Spurge Biological Control Release Sites



2.7 Boatcamp Management

The Department currently maintains 27 **boatcamps** along the Smith River. Each site contains up to four **campsites** for a total of 54 designated camping sites on the river. The Department decided early on that providing approved, designated campsites was a critical part of managing the river because 1) the canyon's 60 mile length practically requires floaters to camp overnight, 2) there are limited locations for camping since only 20 percent of the shoreline is publicly owned and steep cliffs account for a good deal of the riverbank, and 3) the impact of floaters will be concentrated at camping locations.

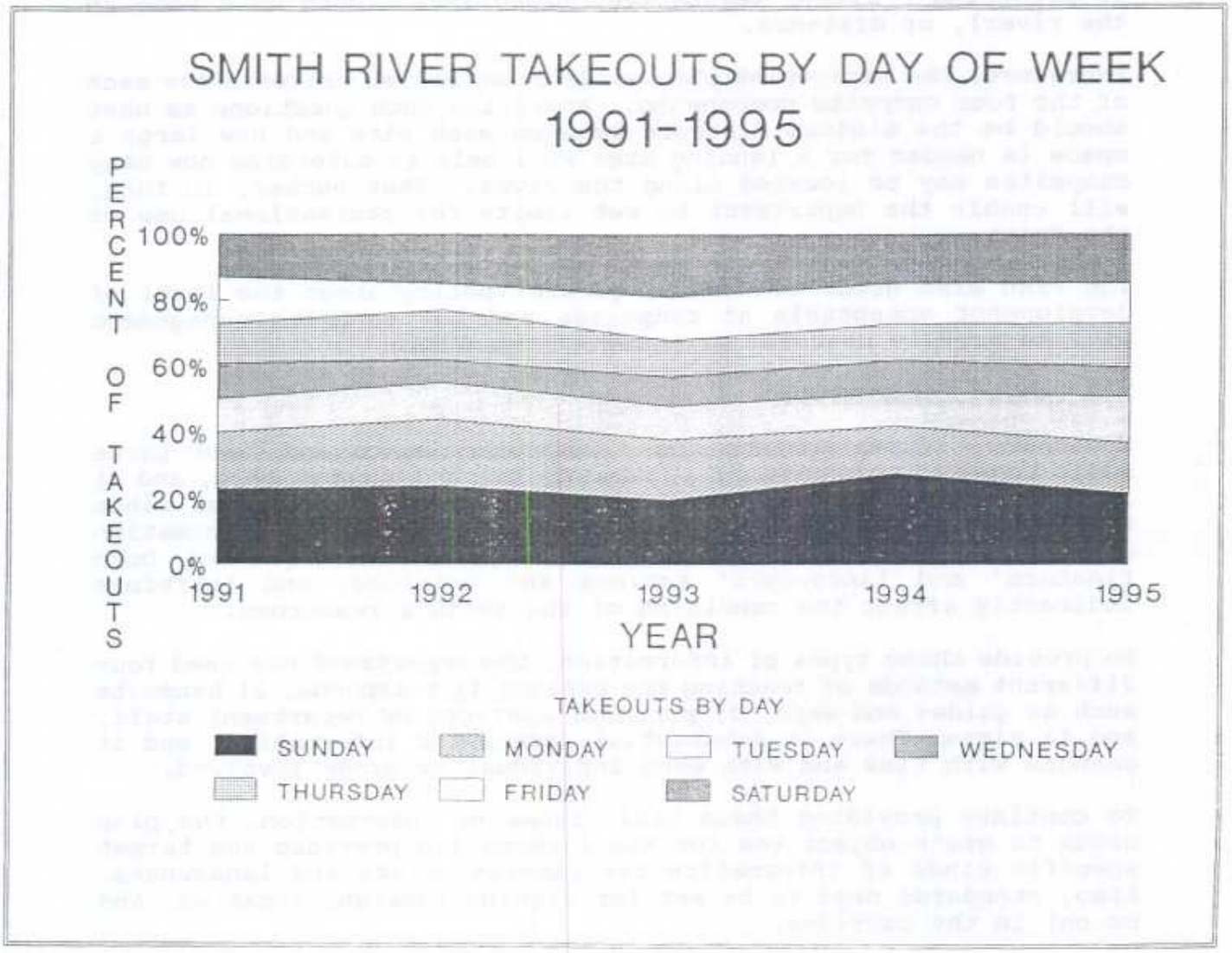
The availability of campsites, consequently, has been an important factor in determining the river's capacity. In particular, the first and last night camping zones have traditionally been bottlenecks of use. Since floaters can make only a certain distance the first night, generally no more than 20 miles, there must be room at the first night campsite for all groups launching on any given day. Likewise, since the last campsite on the river is twelve miles from the takeout, they are limited to timing their takeout day to cover at least that distance, and, again, usually no more than twenty miles. To alleviate this problem for floaters, DFWP, beginning in 1986, has leased boatcamps from private landowners in sections of the river where suitable public land is limited. Up to 9 boatcamps have been leased during a year. This measure has been critical to providing enough camping spaces for floaters and has been greatly appreciated by floaters and landowners.

As of 1995, floaters are free to choose length of their trip and the resulting day of the week that they will take out. To take advantage of the weekend, floaters distribute themselves unequal-ly throughout the days of the week. This creates a bottleneck in the last night campsite section with up to 28% of floater groups taking out on Sundays. (See Figure Ten)

In the past, boatcamps were established in some cases on an opportunistic basis, either at historic locations or where public land or private leases allowed it. Some of these sites lack desirable characteristics and/or are poorly located to accommodate the pattern of use along the river.

The Plan thus needs to set criteria for the location and number of boatcamps to accommodate floaters. These should include considerations about their strategic placement along the corridor as well as design qualities that are favorable to comfortable, unobtrusive campsites. Both campers and landowners have objected when a boatcamp is plain view of a cabin or other development.

Figure Ten - Smith River Takeouts by Day of Week 1991-1994



There are four different components to a campsite: 1) the landing area, 2) the hearth or cooking area, 3) the tent or sleeping area, and 4) the latrine. Other ancillary features, such as an established hiking trail or excellent fishing hole, could be considered additional components of campsites.

Beginning in 1991, the Department has worked to create as much separation at boatcamps with more than one campsite, since close campsites have most often been the source of user conflicts. Also, delineation of distinct campsites became even more important in 1993, when floaters were required to declare where they intended to camp each night. Separation of sites depends on the availability of screening - either vegetative, topographic (such as a bend in the river), or distance.

Therefore, the management plan needs to establish criteria for each of the four campsite components. Answering such questions as what should be the minimum distance between each site and how large a space is needed for a landing area will help to determine how many campsites may be located along the river. That number, in turn, will enable the Department to set limits for recreational use of the Smith.

The Plan also needs to state a general policy about the level of development acceptable at campsites and how campsite management will be used to meet the purposes of the SRMA.

2.8 Public Information

Typically, recreationists and landowners desire and need three basic types of information: 1) regulatory, 2) informational, and 3) interpretive. The Department has provided all three types since the beginning of Smith River management. These kinds of information can raise the quality of a float experience, influence both floaters' and landowners' actions and opinions, and therefore indirectly affect the condition of the Smith's resources.

To provide these types of information, the Department has used four different methods of reaching the public: 1) telephone, 2) handouts such as guides and maps, 3) personal contacts by Department staff, and 4) signs. There is substantial demand for information, and it changes with time and with each individual or group involved.

To continue providing these basic types of information, the plan needs to state objectives for the information provided and target specific kinds of information for recreationists and landowners. Also, standards need to be set for signing (design, location, and so on) in the corridor.

2.9 Viewshed Management

Viewshed, or visual corridor, refers to the land floaters are able to see as they travel down the Smith River. What lies within the viewshed is important because it directly influences the level of solitude that the SRMA directs the Department to manage.

Viewshed is also important to landowners, particularly recreational landowners. The number of floaters is an issue for them for various reasons, but a particularly critical one is many landowners' desire for solitude and minimal intrusion by other humans beings. In the past they have objected to both floaters's appearances and activities. Therefore, it is important to consider both the view from the river and of the river when considering viewshed management.

Impacts on the floaters' viewshed, on the other hand, depend on what is visible, for what length of time an intrusion is visible, and how many intrusions there are along a segment of river. It is also important to recognize the impact of direction of viewing on the level of visual impact. Since most floaters face downstream, objects viewed looking upstream generally don't have the impact of objects viewed downstream. Objects high up on the canyon rim also have less impact than items on the river bank.

In seeking to protect and possibly enhance the Smith's viewshed, the Plan needs to delineate the river's visual corridor, including a map of all man-made developments. Next, it needs to specify ways in which visual impacts can be evaluated, minimized, and possible removed, stressing cooperation with landowner's desires and capabilities.

2.10 Floatgates

Floatgates are structures crossing the river that allow safe and easy passage of floaters while maintaining control over livestock and marking property boundaries. The Smith River was one of the first areas in the state where floatgates were installed. The Department accordingly has provided expertise in locating and designing floatgates, labor and materials for constructing them, and river ranger patrols to maintain them.

Landowners generally request to have a gate installed and then provide labor for installing and maintaining it. In some cases, however, the Department or public discover a new fence across the river, which precipitates contacting the landowner to have a floatgate installed.

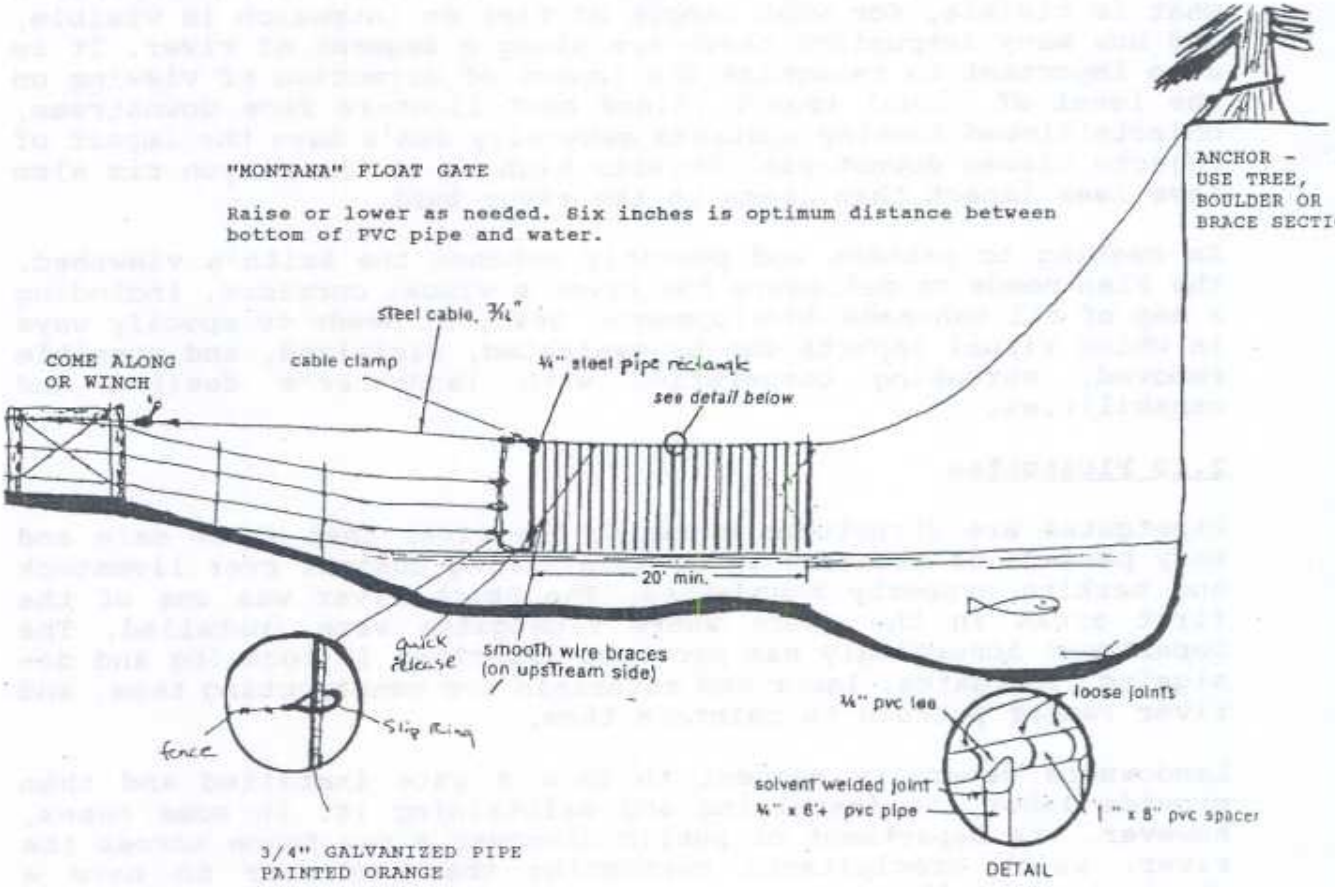
Recent design changes have been aimed at making the gates easily removed and reinstalled since ice will destroy a gate if it is left in the river through the winter. Another option has been to make

the gates so they can be raised out of the water in the fall. Warning signs have also been placed at all gates.

The need for gates depends on water level and the grazing season for livestock. As more floaters have adapted recently to floating during low water years, more fence and corresponding floatgates have been required.

The plan needs to state a floatgate policy which integrates the Department's experience with floodgates in the past years and which establishes the management responsibilities of both Department and landowners. It also needs to maximize the safety of floaters, the landowners' convenience, and the control of livestock.

Figure Eleven - Floatgate Diagram



2.11 Heritage Resources

Heritage or cultural resources include all historic structures, trails, and artifacts, such as tools or household goods. Heritage resources also consist of prehistoric objects such as pictographs, tepee rings, and other evidence of habitation, vision quest sites, and "lithics" including arrowheads, points, and scrapers. For the purpose of this plan, oral history is also considered a heritage resource.

The Smith River Canyon has a wealth of heritage resources. It has been occupied continuously for thousands of years, and evidence of this occupation is abundant. Visitors' interest in the Canyon's heritage is also high and seems to be increasing. On a national level, as well as Montana-wide, visiting cultural sites and museums often ranks at the top of desired recreational activities. The reasons for this interest are clear. Heritage resources and information about them afford visitors the opportunity to understand their past, the forces that have shaped their present, and the choices they have for the future.

The policy of the Department is to "consider heritage properties and paleontological remains systematically on lands owned or controlled by the department for the purpose of preserving the properties and to avoid, whenever feasible, department actions or department assisted or licensed actions that substantially alter heritage properties or paleontological remains on those lands." (ARM 12.8.501)

The plan needs to define the Department's policy towards the management of heritage resources on the Smith River, including policy about conducting an inventory of heritage resources, protecting them, and interpreting their significance.

2.12 Portal Management

Portal management concerns 1) management of the put-in and take-out areas on the river and 2) management of it above and below the canyon section.

2.12.1 Put-in/Takeout

The management of the Camp Baker Fishing Access Site and Smith River put-in area affects the safety, enjoyment, and quality of the floater's experience. Purchased in 1960, the Camp Baker site serves fishermen, campers, and picnickers as well as floaters. Current developments include latrines, a road and parking areas, fencing, boat tie-ups, a ranger cabin, a storage/work shed, and signing that includes the information/self-pay station. Located near Camp Baker are two water measuring devices, a year-round, fully automated station at the Camp Baker bridge, and a simple staff gauge below the mouth of Sheep Creek, which enters just above the put-in area.

Camp Baker is staffed continuously during the high-use period and occasionally during low-use periods. This level of staffing maximizes the contact between the Department and floaters since on-river patrols only match the speed of floatgroups and thus have minimal contact with them. Fulltime staffing at the put-in allows the rangers to register floater groups, collect fees, and provide safety, regulatory, and interpretive information. Floater groups, as required by current regulations, declare where they intend to spend each night, thus making additional contact with Department Smith River Rangers.

Eden Bridge is the standard take-out for Smith River floattrips. It has been leased for this use from 1981 through 1994, and was provided at the landowner's courtesy for many years before that. In 1994, the Department purchased it. Along with serving as a take-out for floating trips, Eden Bridge is also available for fishing, picnicking, and swimming during the day.

Developments at this four-acre site include a large parking lot, a latrine, a host pad, fencing, signing, and utility and telephone service to provide safety lighting and hook-ups for volunteer hosts. Dumpsters are also provided during the high-use season for the disposal of floaters' trash. During the rest of the year, Eden Bridge is managed as a "pack-in, pack-out" site. Other regulations include the prohibition of overnight camping, fires, and discharge of weapons.

The volunteer hosts, many from the Great Falls Good Sams Club, live onsite for a week-long shift, providing security for parked vehicles and assistance to floaters in finishing their trip safely and enjoyably. The hosts also help gather information about floaters through surveys and the completion of floater logs. The hosts are present from mid-May through mid-July.

Weed control, once provided by the landowner as part of the lease agreement, is now the Department's responsibility.

The plan needs to specify the maintenance standards, level of development, and any special management planned for Camp Baker and Eden Bridge.

2.12.2 Smith River Management Above and Below the Canyon Section

The SRMA, by statute, applies to the Smith between Camp Baker and the confluence of the Smith River with the Missouri River. The Department does own parcels of land both above and below the canyon, and the management of the these lands and the type of information provided to the public can serve to help meet and complement the goals of the SRMA.

Above the Fort Logan bridge, both floating and access opportunities on the Smith are very limited. Numerous fences, very tight meanders and low water levels limit its use. Similarly, below the Fort Logan bridge, the addition of Camas and Cottonwood Creeks allow floating only at high water. Moreover, between this point and Camp Baker there are fences and diversions in the stream bed which limit floating.

Access at the Smith River Fishing Access Site, however, is excellent, although there are no additional public access points until Camp Baker. Day use and overnight camping occurs at a moderate level at Smith River FAS.

Floating between Smith River FAS and Camp Baker is rare. The scenery in this section is not spectacular compared to the canyon section, although the landscape is pleasing to the eye with rolling hills, the occasional cliff or dirt cutbank, thick brush, open fields, and abundant wildlife.

Below Eden Bridge, the river flattens and meanders with cottonwood groves and thick brushy riparian vegetation. Ranch buildings are common, but often not visible from the river, and hay meadows and grazing are the predominant land uses. It is roughly 23 miles from Eden Bridge to the mouth of the Smith with public access available at three bridges below Eden Bridge. Among these, Truly Bridge FAS is the only site with signing or recreational development.

The plan needs to put forward management objectives for these other portions of the Smith so that they will compliment and offer alternatives to the recreational opportunities provided by the canyon section.

2.13 Safety

Floating the Smith River requires both competent boating skills and the ability to camp in a remote location often under extreme weather conditions. Self-reliance and the ability to deal with emergency situations are two skills that recreational opportunities like the Smith should strengthen and promote.

Safe, competent boating skills are particularly important because the DFWP's ability to provide rescue services is very low with a limited number of patrols. The chance of DFWP personnel being in the right place at the right time is very small.

All of this is not to say, however, that floaters are largely abandoned on the river. DFWP does have resources to respond to difficulties on the river. These means include trained river staff and other DFWP personnel such as wardens, their collective knowledge of the river and river floating, and rescue skills and equipment such as watercraft. There is also a communications system in place on the river, including telephone service at Eden Bridge and Camp Baker as well as a radio phone service in the canyon.

Additionally, 13 private roads lead into the canyon, and radio phone service is available in limited locations along the river. Moreover, landowners have always been more than willing to provide assistance to floaters in trouble. Such problems have primarily included floaters' getting lost or having their watercraft capsized or damaged, and extreme weather conditions. During the last fifteen years of active management, there have been no deaths and only one case of evacuation on record. On the other hand, the Smith is a natural river system in the middle of the Little Belt Mountains; the natural hazards associated with it are continually changing in both intensity, character, and location.

The plan therefore needs to specify DFWP's policy on search and rescue and other safety issues consistent with the river's setting.

CHAPTER 3 - ISSUE POLICIES, GOALS, AND MANAGEMENT ACTIONS

Implementation of the Smith River Management Plan depends upon a detailed plan of action. Listed below are the proposed management program, its activities, and courses of action to address the various issues facing the Smith River Corridor. Each action is identified as a policy, a goal, or a management techniques. For the purpose of this plan, these concepts are defined as follows:

Policy - a plan or set of principles designed to influence and govern decisions for present and future actions. A policy statement thus sets the broad administrative base for an institution's management, which goals and objectives reflect and define as actions.

Goal - a statement directing a course of action for the attainment of a desired, long-term end.

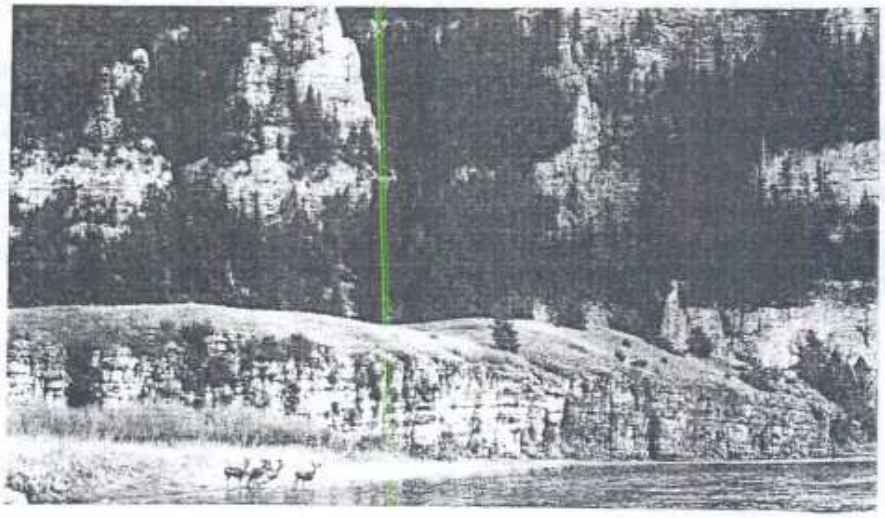
Management Action - a specific method, activity, or plan of action that can be used to achieve an identified goal within the stated policy.

The Policy of the Smith River Management Plan may be stated simply as having three main purposes:

(a) to provide continued recreational and commercial use and enjoyment of the Smith River waterway, consistent with the river's capacity;

(b) to seek ways to minimize conflicts between river users and private landowners; and

(c) to protect the integrity of the river's water and canyon resources for future generations.



3.1 River Capacity

Policy. To manage the Smith River canyon for non-motorized, semi-primitive recreation with a high level of solitude at campsites and moderate isolation while floating.

To regulate use by Commission action and as part of the Biennial Parks Rule.

Goals. Continue to gather data about recreation use to increase the public's understanding of recreational use of the Smith River.

Provide the opportunity for a separate campsite for each floatparty each night.

Use the number of launches (groups leaving Camp Baker or mid-stream locations) as the primary management statistic to limit use.

Management Actions. Continue to gather use statistics to understand the relationship between the number of launches and the location and number of campsites.

Use limits will be applied during the entire season, affecting the most crowded time periods and sections of the river first. The launch application, declaration board, and registration procedures may be modified during low-use periods to minimize the inconvienence to floaters and management costs.

To gauge the quality of the river experience, indicators measuring both social and resource impacts will be tracked during the float season. Floater log comments will continue to be gathered and analysed as an additional measure of quality of floater experience. Once a particular numerical value (the standard for a specific indicator) is reached or floater log comments indicate strong concern over amount of use, management will be alerted that the experience on the river has changed significantly.

Following a float season during which a standard is reached, the Department will study the levels and patterns of the river's use further and prepare a recommendation to the Commission. This recommendation may include reducing the number of launches per day or the maximum group size. Any reccomended change will affect the number and group size for both private and outfitted groups while recognizing the historic percentage between these two types of users. Particular indicators and standards are as follows:

Indicator	Standard
Average Group Size	No higher average than 8 persons per group per month period
Number of Groups in Canyon	No more than 3 days per float season with 45 or more groups in canyon
Number of Floaters Canyon	No more than 6 days with more than 300 floaters in the canyon

Additional indicators may be considered.

Reaching the desired criteria for distances between camp sites (see section 3.7) or those for the impact on resources may also affect the river's recreational capacity.

3.2. Outfitter Management

Policy. To provide the public with a continued opportunity for high quality services from outfitters on the Smith.

To permit outfitters usage at no more than the maximum percentage that they have used it in the past.

Goals. Encourage the high quality and variety of outfitter services provided on the Smith River.

Cooperate with the United States Forest Service and the Montana Board of Outfitters in defining and managing outfitters' use of the river.

Involve outfitters directly in developing policies and procedures for managing their use of the river.

Management Actions. Produce and regularly update a manual for outfitters on the Smith River.

Encourage outfitters to participate in the development of regulations and enforcement of them as well as in the protection of the natural resources of the Smith River Corridor.

Monitor bankside outfitting and develop acceptable levels of use and, if necessary, restrictions.

Actively pursue illegal outfitters.

Set criteria for evaluating the quality of service outfitters provide.

Allocate outfitted launch dates on the Smith in cooperation with authorized outfitters.

3.3 Access

3.3.1 Access Points

Policy. To develop no additional public access points between Camp Baker and Eden Bridge.

Management Actions. Allow mid-stream access from private lands, but continue to include mid-stream launches under use limits and all other regulations.

3.3.2 Accessibility

Policy. To provide for special populations of floaters while maintaining the primitive, undeveloped characteristics of the Smith River experience.

Goals. Improve accessibility at Camp Baker and Eden Bridge.

Cooperate in accommodating special populations of floaters by providing information about facilities for them as well as logistical support.

Management Actions. Install accessible latrines at Camp Baker and Eden Bridge.

Post the accessibility attributes of campsites at Camp Baker and give campsite preference to floaters with certified disabilities.

3.4 User Fees

Policy. Operate the Smith River management program to the greatest degree possible with users' fees.

Goals. To seek fairness in user fees between outfitted/private floaters and resident/non-resident floaters.

Management Actions. We will continue to fine tune the fee structure and its application to all floaters as a normal function of the FWP Commission's setting of the state parks biennial fee rule.

Some points that have been discussed in the past are changing the launch fees for outfitters from a per/launch to a per/user day basis and adjusting private, non-resident fees to reflect resident support of the area's facilities and services.

3.5 Smith River Corridor Enhancement Account (CEA)

Policy. To use the Corridor Enhancement Account (CEA) to limit the impact of development on the floating public, to preserve the opportunity for public use of the canyon, and to reduce the impact of recreational use on the natural resources of the corridor.

Goals. Use all available tools to protect the corridor with a priority on long term options.

Recognize and support opportunities for enhancing the corridor with other agencies, levels of government, private organizations, and individuals which meet the goals of this plan.

Management Actions. Work with specific agency contact in Meagher County, Cascade County, the United States Forest Service, the Montana Department of State Lands, and the Bureau of Land Management.

Allow the Corridor Enhancement Account to be used for (but not restricted to) the following uses:

- Conservation easements
- Recreation easements
- land purchases
- water leasing
- land surveys and appraisals
- land leases
- contracted services to facilitate the above uses

Allow private donations to the CEA.

Use the Smith River Ad-Hoc Committee to evaluate individual proposals for using funds from the CEA and make recommendations to the Department. Any proposal involving easements, leasing, transfer, sale or purchase of property goes to the Commission for action. Other items would be at the discretion of the Regional Supervisor.

Prepare and update annually a listing of all parcels of land in the canyon and develop cooperative protection strategies for each.

3.6 Department Land Management

3.6.1 Land Adjustments

Policy. Use Department lands in the Smith River Corridor to maximize the goals and objectives of this plan.

Any lands that the Department would dispose of or trade will have easements prohibiting development and limiting motorized use, although allowing existing land uses.

Goals. Endorse land management tools which would secure permanent protection and use, rather than temporary ones.

Consider the values of land in land actions, including preservation of the primitive character of the Smith River, possible boatcamps, other recreational opportunities, such as hiking and cultural resources.

Management Actions. Department lands that could be available for trade or disposal to acquire higher valued lands are indicated in Appendix Five. Each specific trade or disposal will include MEPA compliance and may require surveying, subdivision review and/or compliance with federal aid requirements.

3.6 Department Land Management

3.6.2 Grazing/fencing

Policy. To participate in the developing and implementing a sucessful management program to achieve the private and public benefits of improved riparian management.

Goals. To minimize fence crossings of the river.

Use features of the natural terrain to control the movement of livestock as much as possible.

Management Actions. Through cooperative planning and action, determine the current condition of natural resources, the impact of grazing and need for improving structures and implement the best management practices to improve the conditions of resources along the river corridor.

Develop a program to measure the impact of grazing on boatcamps and include, on a site-by-site basis, an evaluation of whether or not grazing will be permitted .

Have floatgates at every river fence crossing.

3.6 Department Land Management

3.6.3 Weed Control

Policy. To work cooperatively with landowners and agencies on controlling noxious weeds in the Smith River drainage with an emphasis on education and bio-control. County weed supervisors will be the primary coordinators of control activities with the regional parks maintenance supervisor as the primary contact for the Department.

Goals. Establish and continue to expand bio-control populations on Department lands.

Management Actions. Train rangers in monitoring and controlling noxious weeds as well as in the use of bio-control agents.

Use signing and printed materials to education floaters about noxious weeds and encourage their active participation in controlling them.

Keep equipment and vehicles clean and weed-free.

Report the appearance of target species of noxious weeds to the appropriate county weed supervisor.

Continue to explore alternative strategies and to seek continued and varied funding for weed control.

3.7 Boatcamp Management

Policy. To manage the number and location of boatcamps for the current level as set by the Fish, Wildlife and Parks Commission. Additional boatcamps will be established only for the purposes of dispersing their use or for accommodating more effectively the present level and pattern of use.

The development of campsites will be kept to the minimum to maintain the primitive character of the canyon.

Goals. Establish any new boatcamps only under the desired criteria.

Bring current boatcamps under desired criteria within 5 years of the adoption of this plan or, if possible, provide alternative campsites at the same capacity and general location.

Management Actions. Establish desirable criteria for boatcamps including:

- They are free of fragile cultural resources.
- No cabins, roads, or developments are visible from them.
- Their location helps in distributing and dispersing float parties.

Establish desirable criteria for campsites:

- Distance between sites - a minimum 100 yards between hearths or out of sight
- Landing - 16 feet per boat. Assuming 2.5 people per boat, a 10 person campsite would need 64 feet of landing space.
- Hearth (the cooking area) - 125 square feet (25' by 25')
- Sleeping Area - 6' by 6' per person.
- Latrine - at least 100 feet from live water using vegetative screening or rustic, manufactured screening where necessary.

Promote the use of firepans. Rangers will continue to instruct floaters to gather driftwood for fire use.

Cooperate with fire-control agencies to reduce the possibility of floater-caused fires.

Encourage packing out of human waste when the appropriate technology and a suitable disposal site becomes available.

Restrict, if necessary, the use of a boatcamp to disperse use: i.e. permit no layover nights at first and last night campsites or at very popular boatcamps.

Monitor the frequency and location of latrine holes dug by DFWP.

Consider "minimum-impact" campsites for groups meeting estab-lished criteria such as small size and the ability to use minimum impact techniques. As well as giving these groups a more primitive float, this designated use would also help to decrease and disperse the number of floaters using existing campsites. Thus, "minimum-impact" campsites would allow existing campsites to "rest" from use.

Monitor the impact of using campsites on natural resources. The designation of available campsites will serve as the primary method for dispersing the use of campsites. Resting and rotating campsites (or portions of campsites) may be considered. The trade-offs to reach desirable conditions may include further restricting the number of launches or rotating float parties to less desirable campsites or locations within the boatcamps.

3.8 Public Information

Policy. Provide appropriate kinds and levels of information to encourage safety; enhance the floating experience; promote the cooperation and coordination of land management in the corridor; minimize the impact of floaters on Smith River resources, landowners, and other recreationists; inform the public about policies, procedures, and regulations about using the Smith. The Department will not use information to promote use of the Smith River.

Practice open management with all records and management decisions available under the guidelines of the Freedom of Information Act.

Goals. Keep landowners informed of regulations and opportunities for their involvement in meeting management goals.

Use self-discovery interpretative techniques.

Management Actions. Continue to produce the floater's packet that is sent to group leaders when they receive a launch date.

Produce and update an outfitter's handbook. Topics to be included consist of

- Regulations about using the Smith River Corridor
- Registration procedures
- Use of the boatcamp & river/boatcamp courtesy
- Fishing regulations
- Fire danger ratings
- Forest Service regulations
- Weed control
- Illegal outfitting and how to reduce it
- Safety

Produce and update a landowner's educational information packet . Topics would include

- River use regulations
- Conservation easements
- Visual corridor
- Weed control
- Fire control
- Streambank and water quality protection
- Signing

Use signing only when absolutely necessary and for the purposes of marking property lines, designating facilities (including float-gates and boatcamps), and labeling man-made hazards. Signing will be of earth-tone colors, except for hazard and floatgate signing.

Discontinue using the mailing list except to request public comment on management actions, such as rulemaking. Launch applications will be available upon request.

Continue the Smith River Ad Hoc Committee with regular, periodic meetings. This advisory committee is appointed by the Department and includes, at a minimum, representatives from recreational floaters, Smith River landowners, Smith River outfitters, and the managing agencies.

Report annually on the year's activities, including such items as the season's management activities, statistics, and the floater's comments.

Use informational materials such as brochures, maps and signs produced by the private sector when they are avail-able.

3.9 Viewshed Management

Policy. Seek ways to enhance, protect, and improve the semi-natural quality of the canyon's visual corridor.

Goals. Work cooperatively with private landowners to minimize visual impacts on floaters and landowners.

Encourage floaters to minimize their visual impact on landowners by such things as discouraging them from stopping in front of cabins.

Management actions. Produce and update a map and database of the floater viewshed, including existing development. Produce larger-scale maps when necessary.

Minimize visual impacts for both landowners and floaters by providing technical advice, cost/share labor, and materials to landowners for proposed or ongoing development activities.

Provide floaters with visual-impact information during their pre-float contacts with rangers.

3.10 Floatgates

Policy. Where a fence crossing the river is absolutely necessary, the Department will assist landowners in establishing floatgates. Either the Department or the landowner can initiate floatgate projects.

Goal. All fence crossings of the Smith will be passable to floaters.

Work to reduce the number of floatgates through other alternatives.

Management actions. Materials, maintenance, operation, and labor must be cost/shared. Floatgate design will be varied to meet the unique requirement of each river crossings.

Make floatgates as effective as possible for landowners and floaters to use and economical to construct and maintain.

3.11 Heritage Resources

Policy. To manage the river consistently with the Administrative Rules of Montana(12.5.801) and the Montana Antiquities Act (Montana Codes Annotated 22-3-401..442). Under this authority, heritage resource locations are not publicized.

Goals. To enhance the floating experience on the Smith through inventory, protection, and interpretation of the canyon's heritage resources.

To cooperate with the State Historic Preservation Office in developing and carrying out heritage resource inventories and evaluations.

Management actions. Continue to inventory heritage resources in the canyon.

Cooperate with floaters, landowners, and others interested in the Smith River Corridor by publishing heritage resource information.

Encourage and cooperate in continuing research about the heritage resources of the Smith River Corridor.

When determined appropriate through consultation with the State Historic Preservation Office, take actions to protect and stabilize endangered heritage resources.

3.12 Portal Management

3.12.1 Put-in/Takeout

Policy. To manage Camp Baker and Eden Bridge in a manner to complement the on-river program.

Goal. To manage Eden Bridge as a semi-developed, day-use recreation site with overnight camping only in conjunction with floating activity.

To manage Camp Baker as a semi-primitive site, allowing both day use and overnight camping.

Management actions. Install handicapped accessible latrines at both Eden Bridge and Camp Baker.

Facilities at Camp Baker will include latrines, parking, area fencing, necessary signing, and drinking water during the major float season.

Facilities at Eden Bridge will include parking, latrines, host hookups, area fencing, and necessary signing.

The volunteer host program at Eden Bridge will be continued with coverage during the primary float season and as much of the shoulder season as possible. The Region Four volunteer coordinator and Smith River District Parks manager will coordinate the program.

3.12 Portal Management

3.12.2 Smith River Management Above and Below the Canyon Section

Policy. Manage the non-canyon sections of the Smith River to compliment, supplement, and diversify the recreational opportunities provided by the canyon section.

Goals. Provide assistance to landowners when they request it for managing floatgates, viewshed, or other floater uses.

Management actions. Manage these non-canyon sections for day use.

Sign public access points.

All developments shall comply with Fishing Access Site standards.

Direct floaters seeking a day-use experience on the Smith River to these sections.

3.13 Safety

Policy. Primary responsibility for safe floating of the Smith River shall be that of the floaters. DFWP will manage the Smith for a high level of challenge and self-reliance, but will meet its obligation to warn floaters of known risks. Floaters who have accepted these risks will be primarily self-reliant. Response time to emergencies will be moderate, depending on the circumstances and location of the emergency.

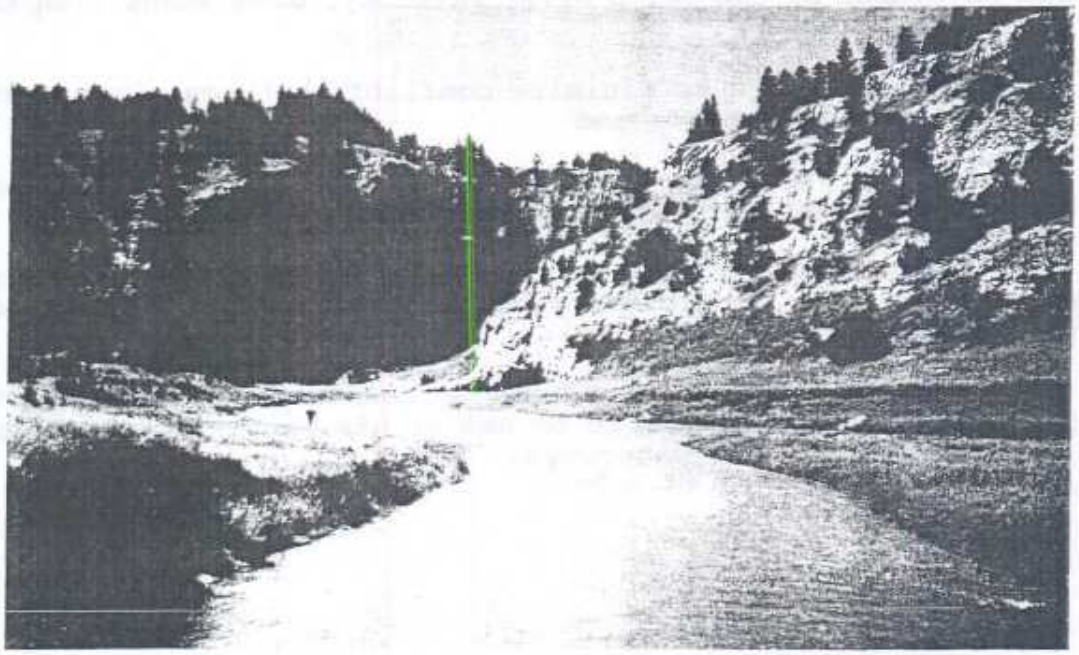
Goals. Encourage floaters to be aware of dangers and to possess the knowledge and skills to float the Smith safely.

Maintain a high level of training and proficiency in the river staff so that they will have the skills and abilities to respond effectively to emergency situations.

Management Actions. Use information as the primary tool to ensure floaters' safety, including it in floater's packets and in their contact with river rangers at the put-in. Due to the changing character of natural hazards, this information will not include signing.

Develop search and rescue plans with Meagher County and Cascade County search and rescue organizations and the Enforcement Division of DFWP.

Enforce the life jacket regulation aggressively.



Appendix 1
Smith River Management Act

MANAGEMENT OF SMITH RIVER

Part Compiler's Comments

Effective Date: Section 11, Ch. 512, L. 1989, provided that this part is effective April 12, 1989.

Part Cross-References:
Water rights, Art. IX, sec. 3, Mont. Const.
Stream access: Title 23, ch. 2, part 3.
Gratuitous permittee for recreation, Title 70, ch. 16, part 3.
Aquatic ecosystem protections, Title 75, ch. 7.
Surface and groundwater, Title 85, ch. 2.
Stream protection, Title 87, ch. 5, part 5.

23-2-401. Short title. This part may be cited as the "Smith River Management Act".
History: En. Sec. 1, Ch. 512, L. 1989.

23-2-402. Purpose - intent.

(1) The purpose of this part is to

(a) provide continued recreational and commercial use and enjoyment of the Smith River waterway, consistent with the river's capacity;

(b) seek ways to minimize conflicts between river users and private landowners; and

(c) protect the integrity of the river's water and canyon resources for future generations.

(2) The intent of this part is to interpret and implement this part in a manner consistent with the statement of purpose for the state park system in 23-1-101.

(3) Nothing in this part may be construed in any way to restrict a landowner's access to or use of his land, improvements, water rights, or adjacent waterways.
History: En. Sec. 2, Ch. 512, L. 1989.

23-2-403. Definitions. As used in this part, the following definitions apply:

(1) "Commission" means the fish and game commission provided for in 2-15-3402.

(2) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

23-2-404. Applicability. This part applies to that portion of the Smith River waterway located in Meagher and Cascade Counties lying between the Camp Baker state fishing access site in Meagher County and the confluence of the Smith River with the Missouri River. This description does not prevent the department from naming or renaming areas pursuant to 23-1-102.

History: En. Sec. 4, Ch. 512, L. 1989.

23-2-405 and 23-2-406 reserved.

23-2-407. Management responsibility and plan. The department has the primary recreational management responsibility for the Smith River waterway described in 23-2-404, consistent with the purpose stated in 23-1-101 and 23-2-402. The Smith River waterway must be administered to

(1) allow the continuation of compatible existing recreational and public land uses;

(2) maintain the opportunity to enjoy the natural scenic beauty and public land uses;

(3) conserve fish and wildlife and scientific and recreational values.

History: En. Sec. 5, Ch. 512, L. 1989.

23-2-408. Rulemaking authority. The commission has authority to provide for the administration of the Smith River waterway. The commission may adopt rules to

(1) regulate and allocate recreational and commercial floating and camping to preserve the biological and social benefits of recreational and commercial use of the Smith River waterway in its natural state. Recreational use may be restricted to preserve the experience of floating, fish, and camping in a natural environment and to protect the river's fish, wildlife, water, and canyon resources. The restrictions must

(a) consider the tolerance of adjacent landowners to recreational use;

(b) consider the capability of the river and adjoining lands to accommodate floating and camping use; and

(c) ensure an acceptable level of user satisfaction, including minimizing user conflicts and providing for a level of solitude.

(2) restrict recreational use, if necessary, through the implementation of a permit system. An allocation of a portion of the permits may be made to licensed outfitters to preserve the availability of outfitting services to the public.

(3) regulate the activities of recreational and commercial users of the water and land in the Smith River waterway that are legally accessible to the public and regulate the land in the river corridor that is under the control of the department and commission

(a) for the purposes of safety, health, and protection of property;

(b) to preserve the experience of floating, fishing, and camping in a natural environment;

(c) to protect the river's fish, wildlife, water, and canyon resources; and

(d) to minimize conflicts between recreationists and private landowners; and

(4) establish recreational and commercial user fees for floating and camping on the Smith River waterway.

History: En. Sec. 6, Ch. 512, L. 1989.

23-2-409. Allocation of user fees. All money collected as recreational and commercial user fees for floating and camping on the Smith River waterway pursuant to 23-2-408 must be deposited in the state treasury in a state revenue fund to the credit of the department.

History: En. Sec. 7, Ch. 512, L. 1989.

23-2-410. Penalty. A person who violates a rule of the commission adopted pursuant to this part is guilty of a misdemeanor punishable by a fine of not less than $50 or more than $500, by imprisonment in a county jail for not more than 6 months, or by both fine and imprisonment.

History: En. Sec. 8, Ch. 512, L. 1989.

Appendix 2
Smith River Motorized Watercraft Closure

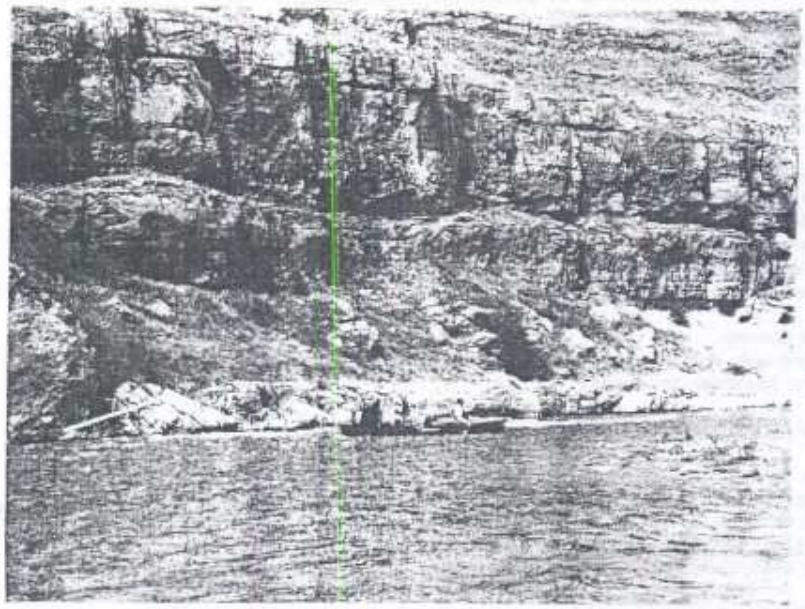
Montana Codes Annotated 87-1-303.(part) Rules for use of lands and waters.

Section (2). The commission may adopt and enforce rules governing recreational uses of all public fishing reservoirs, public lakes, rivers and streams which are legally accessible to the public... These rules shall be adopted in the interest of public health, public safety, and protection of property in regulating swimming, hunting, fishing, trapping, boating, including but not limited to boating speed regulations, the operation of motor-driven boats....

Administrative Rules of Montana. 12.6.901 Water Safety Regulations. (part)

Section (1)(a) The following waters are closed to use for any motor-propelled water craft except in case of use for official patrol, search and rescue, maintenance or hydro-electric projects and related facilities with prior notification by the utility, or for scientific purposes; or for special events such as testing motorized watercraft by prior written approval of the director:

Cascade County:	Smith River
Meagher County:	Smith River



Appendix 3
Summary of Smith River Public Comment

1980 - Smith River User Survey.
Method: From registration data, 164 surveys were mailed and 110 returned for a response rate of 67%.
More than half the floaters came from Helena, Great Falls, and Missoula.
Out-of-state use totalled 5%, Colorado and Washington had the highest representation.
48% floated the Smith before.
Visitors prefer to keep corridor as natural as possible.
32% stayed on private or unknown ownership
18% felt river was too crowded
Current issues:
Adding the name of the boat camp to its sign
Fences across river.
Outfitters' taking the best camps.
Campsite registration
- make mandatory
- pre-assign camps
Visitor information
- more education needed about no-trace camping
-Landowner Survey
Method: A questionnaire was administered in person or by telephone to 17 landowners.
Current Issues:
- Litter
- Trespass
- Too many people
- Lack of enforcement
- Length of season

1981 - Landowner Survey
Method: A questionnaire was administered in person or by telephone

1982 - Floaters' Comments
Method: Floaters were asked to keep logs, which they submitted at the take-out. 44 floaters' logs were returned.
More than half the floaters came from Helena, Great Falls and Missoula.
28% stayed on private land or land of unknown ownership
Need for latrines is becoming an issue.
- Landowner Survey
Method: A questionnaire was administered in person or by telephone

1985 - Floater Questionnaire at Eden Bridge
Method: A questionnaire was administered in person or by telephone
5% stayed on private or unknown ownership
24% felt river was too crowded
33% felt the need for more boatcamps on first and last 15 miles

1986 - Recreation Use Survey.
Method: A questionnaire was administered in person or by telephone
52% had floated the Smith before
27% believed the River Corridor was overcrowded
37.9% believed more boatcamps were needed
Approximately 78% used the Voluntary Reservation system

1987 - Recreation Use Survey.
Method: A questionnaire was administered in person or by telephone
85% used the Voluntary Reservation system
76% fished
15% felt the River Corridor was crowded

1988 - Recreation Use Survey.
Method: Two methods were used: a survey conducted at Eden Bridge during the float season and a survey mailed to recreational users mailing in the Fall of 1988.
Part A - The Survey Data from Eden Bridge
60% felt comfortable with the number of boats they saw on the river.
21% felt more boats would not be acceptable.
22% would accept 1-3 more boats.

29% would accept 4-9 more boats.
Boat camps having High Use:
Two Creeks, Cow Coulee, Parker Flat, Ridgetop, and Rattlesnake.
Part B - Data from the Mailed Survey
50% experienced their first float trip on the Smith.
27% had done it 1-3 times.
11% had done it 4-7 times.
5% had done it 8-12 times.
6% had done it over 12 times.
62% used the voluntary registration system.
68% use the declaration map.
60% would prefer not to share boat camp with others.
67% desired to limit the number of floaters.
Reasons for floating the Smith:
Scenic Beauty 82%, Spending Time with Friends 60%, Natural Surroundings 76%, Solitude 39%

1989 - Floater Questionnaire.
Method: A questionnaire was handed out at Eden Bridge for 28 days between May 16 and July 4 to 561 floaters (22% of the total floating that year).
76% used the voluntary reservation system.
88% registered
98% found registration not to be an inconvenience.
75% used the voluntary declaration board, 74% stayed at declared camp

1990 - The Smith River Public-Use Survey.
Method: Dr Steve McCool of the University of Montana School of Forestry developed a questionnaire that was mailed to floaters in January, 1990. Data was compiled from 458 returned questionnaires.
Major findings summarized by McCool include the following:
- Registration of floaters is acceptable.
- Craft identification would help reduce littering vandalism and trespassing.
- Floaters are willing to pay a modest fee for using the river.
- Intermediate access is not conducive with the desired solitude experience.
Comments called for a second ranger, more campsites, and no more additional services.

1991 - Floater's Log Comment Summary
Method: Floaters were asked to keep logs, which they submitted at the take-out.
Put in facilities
- need better launching area
- need dumpster
Take-out facilities
- excellent improvement with dumpster, parking lot, and host.
Boat camps
- good clean condition
- need more boat camps for the first night.
- need more boat camps past the Rattlesnake Boatcamp.
On river signs
- periodic mile markers needed.
- no need for more signs.
- very adequate.
River Ranger
- helpful and courteous.
- did not see one.
Fees
- increase out-of-state floater fees.
Use limits
- river overcrowded.
- implement system such as Yampa, Green, or Salmon use.
Most popular reasons for choosing Smith: scenery, fishing and recommendation by friends.
Floaters' perception of the number of buildings in the river corridor:
Satisfied 32%
Dissatisfied 38%
Neither 20%
Perceptions on conditions of boatcamps:
Satisfied 94%
Dissatisfied 3%
Neither 1%
67% felt it is desirable to limit the number of floaters.
58% said it was undesirable to have mandatory boat camp reservations.

1992 - Annual Rule Questionnaire
Method: Questionaires distributed to floaters at Camp Baker and Eden Bridge. Mailback questionaires to both 1992 and 1991 floaters as well as landowners, members of recreation clubs, managing agencies and othe Smith River enthusiasts.
21% response rate. 10 % owned land along Smith. 40% had floated Smith at least four times.
56% thought favorably of proposed 9 launch quota.
64% supported authorizing outfitters based on historical use.
51% felt that they had not been negatively impacted by outfitter launches in the past.
36% felt that the declaration board was effective.
83% agreed with the establishment of the Smith River Corridor Enhancement account.
96% thought that outfitters should be required to pre-register and 78% felt that private floaters should be required to pre-register.
- Floater Log Comments
Method: Floaters were asked to keep logs, which they submitted at the take-out.
- 91% rated the boatcamp conditions good

1993 - Floater Log Comments
Method: Floaters were asked to keep logs, which they submitted at the take-out.
- 14% shared campsites
- 7% felt crowded
- 88% stayed at a declared site
- General support of campsite declaration and use limits
- Reasons for not staying at declared camps
1) weather, 2) conflicts with other parties,
3) campsite preference, 4) problems with declaration procedures, 5) schedule changes
- very good boatcamp condition - many positive comments
- littering most commonly reported rule violation.

1994 - Floater Log Comments
Method: Floaters were asked to keep logs, which they submitted at the take-out.
- Reasons for not staying at declared campsites
1) Campsite preference 2) Schedule changes 3) Conflicts with other parties
- Some reports of litter and river ettiquette violations
- Many comments of general support for program, staff and boatcamps

1995 - Floater Log Comments
Method: Floaters were asked to keep logs, which they submitted at the take-out.
87% of Float group leaders are Montana residents
63% returned floater's log
92% stayed at declared sites
91% had a group in adjacent campsite and did not feel crowded
9% felt crowded while floating, 10% felt crowded at the put-in and 13% felt crowded at the take-out
22% increase in use with 0.2% increase in reported conflicts between parties
87% "Good" ranking of campsites

Appendix Four

SMITH RIVER MAINTENANCE AND OPERATING AGREEMENT

Between

MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS

and

LEWIS and CLARK NATIONAL FOREST and HELENA NATIONAL FOREST, USDA FOREST SERVICE

THIS AGREEMENT, made and entered into by and between the Montana Department of Fish, Wildlife and Parks, State of Montana, hereinafter referred to as the DEPARTMENT, and the Lewis and Clark and Helena National Forests, U.S. department of Agriculture, Forest Service, hereinafter referred to as the FOREST SERVICE, under the provisions of Montana Code 23, Chapter 2, and the Acts of June 30, 1914, (16 USC 498) and Act of June 12, 1960 (16 USC 530).

WHEREAS, the DEPARTMENT is responsible for the management of floaters on the Smith River, certain State of Montana Lands, and Certain lands leased to the State of Montana, and

WHEREAS, the FOREST SERVICE is responsible for the National Forest's resources on National Forest System lands and their being available for public use and enjoyment, and

WHEREAS, the DEPARTMENT and FOREST SERVICE each have management responsibilities on lands associated with floating on the Smith River,

WHEREAS, the floaters will benefit from the parties cooperating in providing for these recreation facilities,

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree as follows:

A. THE FOREST SERVICE SHALL:

1. Allow National Forest lands as shown on the Smith River Floating Guide to be used as boat camps.

2. As funds permit, furnish signs, manpower, equipment, supplies and materials for use on the river.

3. Retain the responsibility for resource management on National Forest Service lands within the Smith River corridor and lands adjacent thereto.

4. Recognize unique resources of the Smith River, and give them special consideration in the Forest Planning Process.

B. THE DEPARTMENT SHALL:

1. Maintain the river corridor as determined in the Annual Operating Plan.

2. Purchase signs for installation as outlined in the Annual Operating Plan and as signs budgeting allows.

3. Provide an annual report to the Forest Service.

C. IT IS MUTUALLY AGREED THAT:

1. Both parties will meet annually, or more often as the parties agree, to establish and/or modify a detailed Annual Operating Plan for maintenance of the river corridor, to coordinate activities undertaken pursuant to this agreement, to share information about each agencies activities on or near the Smith River, and to coordinate management documents.

2. Both parties will comply with the provisions of the current National Forest Travel Plans, current Smith River Management Plan (as amended) and with applicable statutes of the State of Montana.

3. Any proposed on-site development of betterment projects above normal maintenance activities will be jointly agreed to by the Parties prior to their initiation.

4. To the extent applicable, any actions and/or decisions made concerning National Forest System lands will need to follow the NEPA process before implementation. The FOREST SERVICE is the lead agency concerning the NEPA process on lands involving National Forest System lands.

5. Nothing herein shall be construed as obligations the STATE OF MONTANA or the FOREST SERVICE to expend, or as involving the United States in any obligation for future payment of money, in excess of appropriations by law.

6. No contributions herein provided for shall entitle the DEPARTMENT to any share interest in said facilities other than the right to use the same under regulations of the FOREST SERVICE. All improvements on FOREST

SERVICE lands shall be and remain the property of the United States.

7. Joint law enforcement activities will be conducted on the river, and detailed in the Annual Operating Plan.

8. Permission to perform work on National Forest System Lands under the terms of this Agreement does not in any way convey to the DEPARTMENT, its officials, or any other person or persons working with the FOREST SERVICE in the performance of said work, employee status that would extend them the benefits of the FEDERAL EMPLOYEES compensation Act, as amended.

9. Both parties will coordinate land transactions within current financial constraints with willing private parties. These transactions shall include, but are not limited to, trades, conservation easements, purchases and sales.

10. No member of, or delegate to, Congress or Resident Commissioner shall be admitted to any share or part of this Agreement, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

11. The PARTIES will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of the Act, no person in the united States shall, on the ground of race, color, handicap, or national origin, be excluded from participating in, be denied the benefits of, or be otherwise subject to discrimination under any program or activity receiving Federal Financial assistance and will immediately take any measures necessary to effectuate this Agreement.

12. The PARTIES visibility shall be maintained through mutually-agreed signing, logos on brochures, etc.

13. This Agreement may be modified only by the execution of a written amendment, signed and dated by all parties.

14. The rights and obligations of any party to this Agreement may be terminated by mutual consent of both parties upon the giving of thirty (30) days written notice by that party. Unless terminated or modified by written notice, this Agreement will remain in force for ten years.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the last date written below.

LEWIS and CLARK NATIONAL FOREST
U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE

BY: Dale Gorman
TITLE: Forest Supervisor
DATE: 1/26/93

MONTANA DEPARTMENT OF FISH,
WILDLIFE AND PARKS

BY: Allen Elser
TITLE: DIRECTOR
DATE: 1/19/93

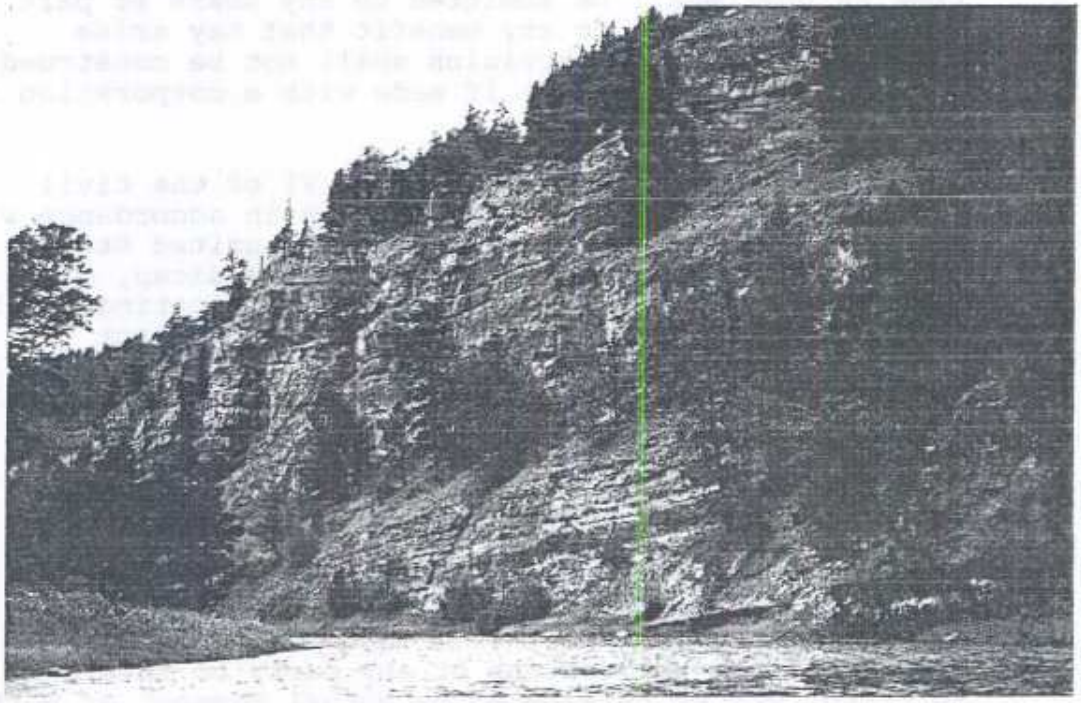
HELENA NATIONAL FOREST
U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE

BY: Ernie Nunn
TITLE: Forest Supervisor
DATE: 1/28/93

APPROVED FOR LEGAL CONTENT

BY: Curtis Larsen
TITLE: Agency Counsel
DATE: Jan. 13, 1993

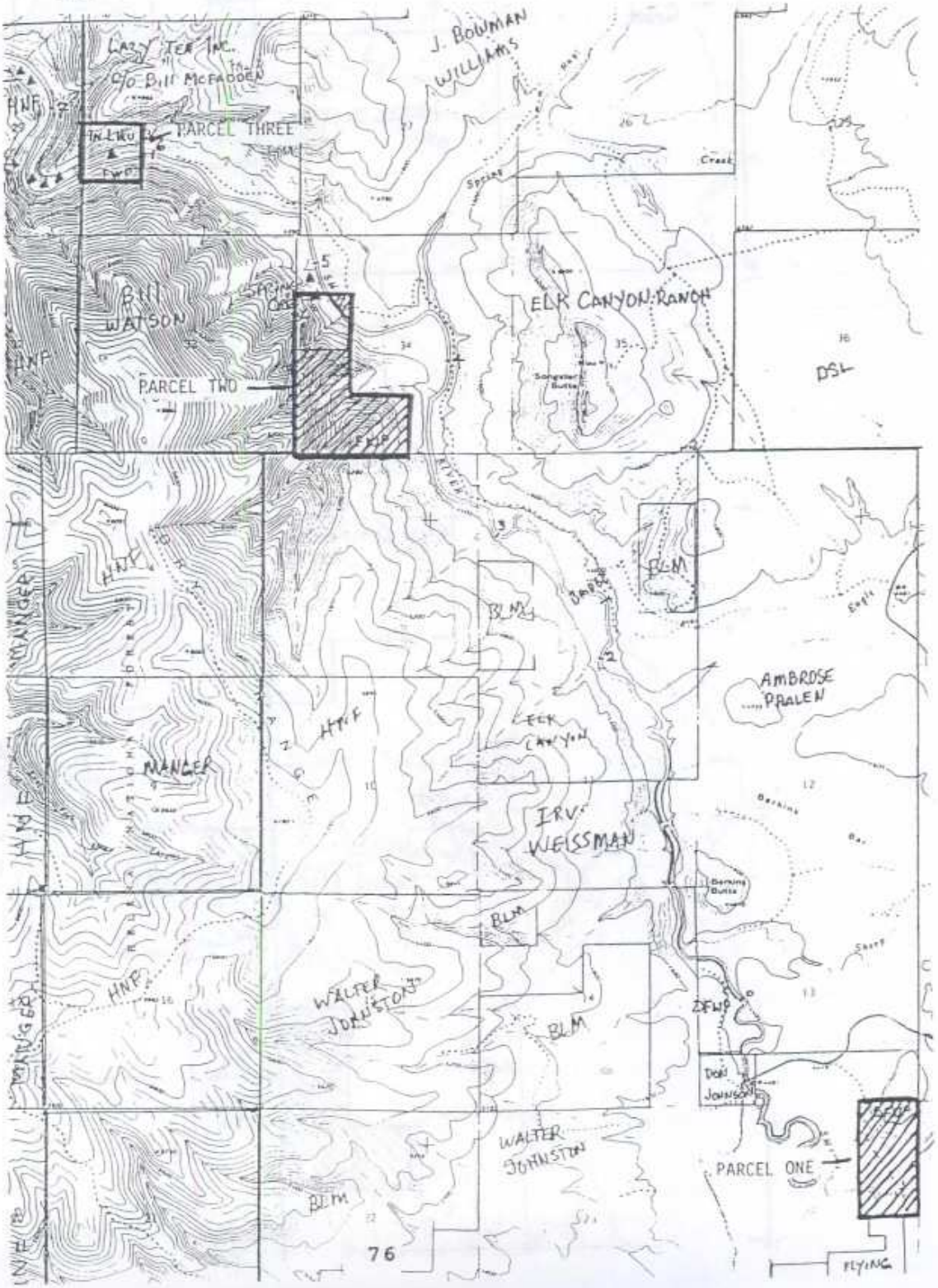
(signatures on file)sf

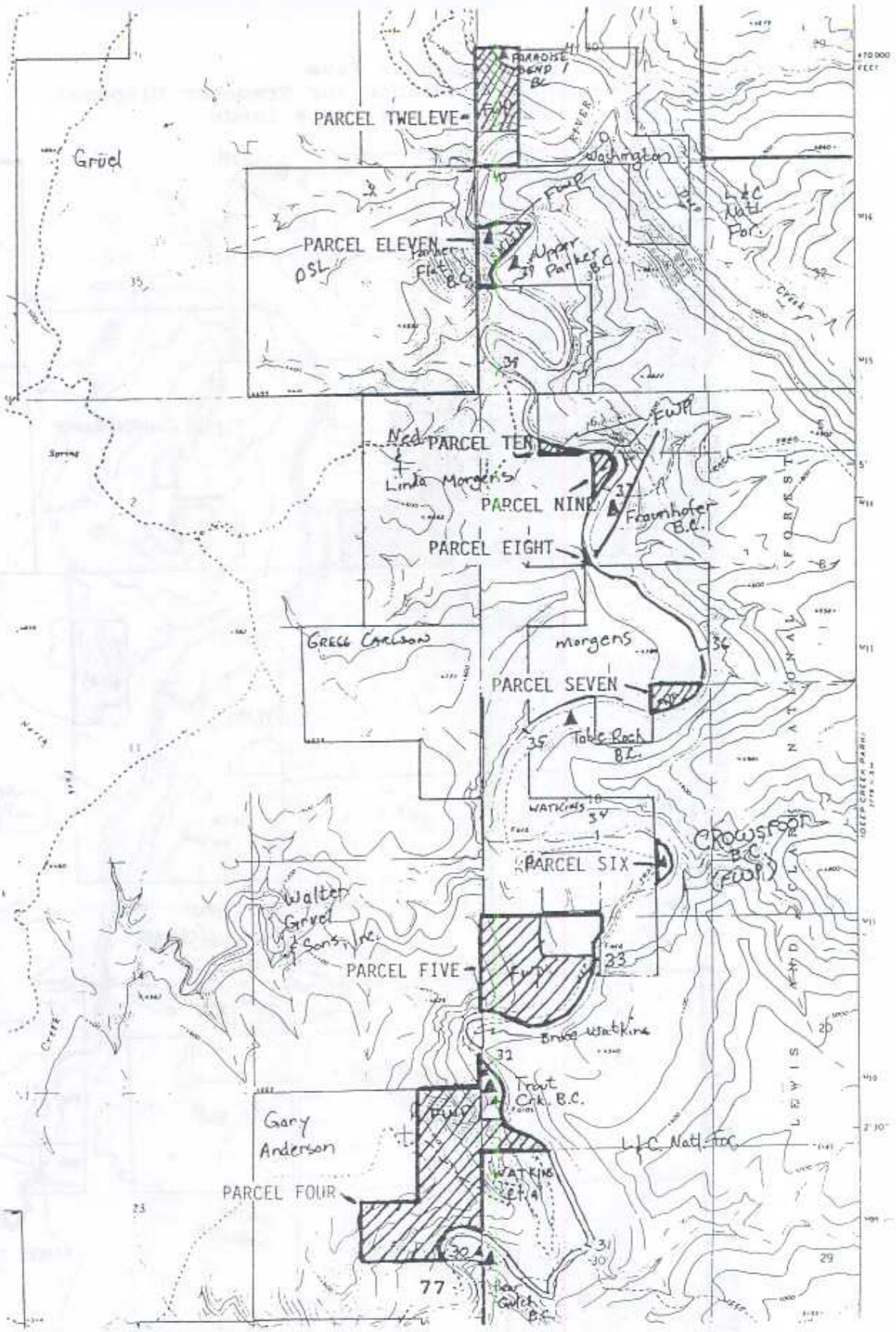


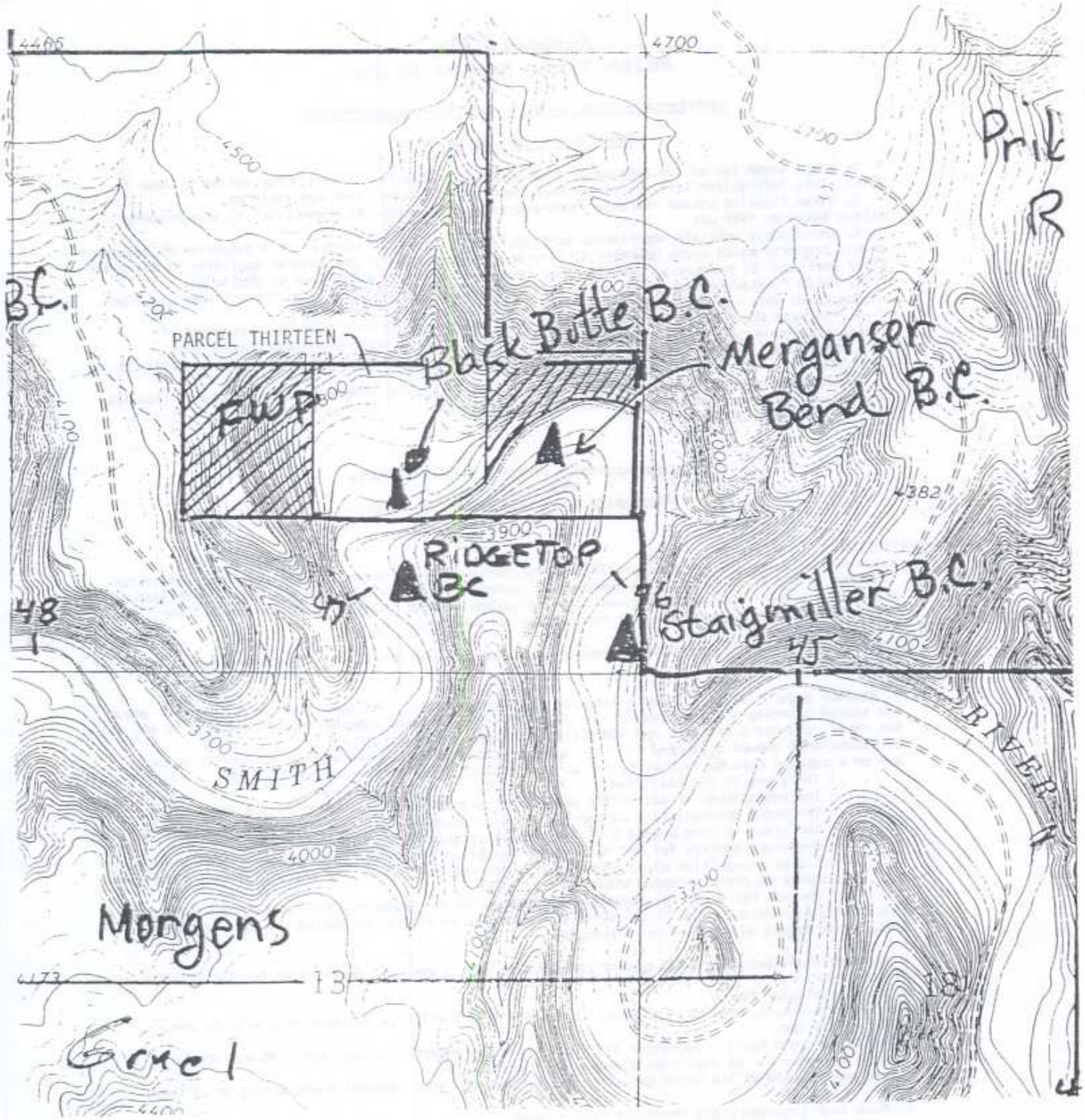
Appendix Five

Smith River Lands Available for Trade or Disposal

▨ - indicates available lands




PARCEL TWELEVE
Grüel
Washington
L&C Nat'l For.
PARCEL ELEVEN
Parker Flat B.C.
Upper Parker B.C.
PARCEL TEN
Linda Morgan's
PARCEL NINE
Fraunhofer B.C.
PARCEL EIGHT
Gregg Carlson
Morgens
PARCEL SEVEN
Table Rock B.C.
WATKINS
CROWSFOOT B.C. (FWP)
PARCEL SIX
Walter Gravel & Sons, Inc.
PARCEL FIVE
Bruce Watkins
Trout Crk. B.C.
Gary Anderson
L&C Nat'l For.
WATKINS
PARCEL FOUR
Bear Gulch B.C.
77



PARCEL THIRTEEN
Black Butte B.C.
Merganser Bend B.C.
FWP
RIDGETOP BC
Staigmiller B.C.
SMITH
RIVER
Morgens
Gravel
B.C.
4700
4500
4382
3900
3700
4000
4100
13
18

Appendix Six
Smith River Annual Rules

Department of Fish, Wildlife and Parks Recommendation

Smith River Final Rules - 1990

* 1. Adopt stage Two of our management plan which is a mandatory registration system by June 1, 1990. This information will assist the department in analyzing river use patterns.

2. Allow floating access via department property at midcanyon at a level not to exceed current status based on 1989 use.

3. Immediately initiate negotiation with mid-canyon landowner Carlson for a conservation easement on his property which would address: 1) long-term preservation of the natural qualities of the Smith River Corridor; 2) commercial use; 3) other land uses such as grazing; and 4) public use.

* 4. Delay floater fees at least until the 1991 float season at which time floater fees would be incorporated into the Parks annual fee rule.

5. The department will continue research and planning on the need for and development of implementation options for a floating allocation system which could accompany floater fees.

* 6. Department should futher research craft identification systems and make a recommendation in Fall 1990.

* 7. Ask that landowners voluntarily limit intermediate public access for the purpose of floating to a level not to exceed current status based on 1989 use.

* same as tentative

Montana Department of Fish, Wildlife & Parks
Parks Division
FINAL SMITH RIVER 1991 ANNUAL FEE RULE
February 8, 1991

1. Registration
   a.There is a voluntary pre-registration system operated out of the Great Falls regional office for floaters on the Smith River. The system will operate from March 1 through November 1 each year.
   b.There is a year-round mandatory registration system at Camp Baker to float the Smith River. Self registration is required when river rangers are not available.
2. Boat Identification
   a.Waterproof tags will be issued to each vessel when the fees are paid. Each vessel must display a tag while on the river.
3. Group Size
   a. Maximum group size is 15 people (including guides and other outfitter staff). A bona fide group has shared planning and expenses for the trip, generally remains together while traveling to and on the river, and has a distinct and identifiable kitchen and camping unit.
   b. Educational groups-organized tours or outings conducted for educational or scientific purposes may on a case by case basis qualify for an exemption of group size limts and fees if:
      - The group is not outfitted
      - The educational or scientific purpose is related to the resources of the Smith River.
      - The group pre-registers at least 30 days in advance.
      - The group is from a bona fide institution established for these purposes.
      - The group applies for and receives an exemption by submitting documentation of their official recognition as an educational or scientific institution and a statement as to the purpose of their proposed visit.
      - The use for which the exemption is proposed is not primarily for recreational purposes.

   This policy may not continue if the Smith River goes to an allocation system and will be reviewed annually or before allocation is implemented.
4. Fees
   a. Recreational user fee is $15 per person per trip age 12 and up. There is no fee for children age 11 and under.
   b. Commercial User Fee
   $15 for each client, outfitter and outfitter staff plus a $175 fee for each trip with no annual registration fee.
   c. Full fees paid May 1 - September 30. Half price fees March 1 through April 30 and October 1 through November 1. No fees from November 2 - February 29.
   d.Fees may be paid at the Great Falls Fish, Wildlife and Parks regional headquarters or at Camp Baker.
   e. Bona fide landowners and immediate family usage:
      - Pay appropriate recreational user fee only if floating overnight.

- Must register for overnight and day floats either by telephone, mail or in person. A bona fide landowner is a person who owns land bordering the Smith River anywhere between Camp Baker and Eden Bridge.

f. Cancellation policy - If fees have been paid in advance and the float has been canceled for any reason, the fees will be credited to the floaters account and held until September 30, 1991, after which the credit expires and the funds revert to the department.

g. The equivalent amount of outfitter fees owed and paid to the U.S. Forest Service for the 1991 season will be credited to the outfitter should the Forest Service not terminate their fee collection system on the Smith River. All balances will be cleared by the department by December 31, 1991 and refunds issued if appropriate.

ADOPTED THIS 8th DAY OF FEB, 1991

ATTEST K.L. Cool

Secretary, Fish and Game Commision

Errol T. Galt

Chairman, Fish and Game Commision

(signatures on file)sf

1992/93 Smith River Allocation Rule
Montana Department of Fish, Wildlife and Parks
November 8, 1991
AS AMENDED December 13, 1991 and January 15, 1992

1) There are no limits on launches for private floaters.

2) Pre-registration to float the Smith River is mandatory for outfitters, and recommended for private floaters. Mail in pre-registration only will be accepted for this calendar year in the Great Falls oiffice of the Department beginning March 2, 1992. Mail in pre-registration received prior to March 2, 1992 will be considered as having been recieved on March 2, 1992. Launch dates are awareded on first come, first served basis. Oversubscribed launch days will be determined by random drawing. Private floaters pay a $25 non-refundable pre-registration fee. Outfitters much include a $175 fee with their mail inpre-registration. These fees are applied toward total float fees.

3) The River Ranger will assign outfitter boat camps only. The voluntary boat camp declaration board will remain in effect for private floaters.

4) There is a moratorium on new outfitters on the Smith River. Outfitters who have taken paying clients down the river prior to November 8, 1991, and who were registered with either the Board of Outfitters or the U.S. Forest Service, are the only concessionaires permitted on the Smith River.

5) Appendix A lists 20 outfitters authorized to outfit on the Smith River and individual allocated launches for the period from May 22, 1992 through July 5, 1992 (peak season). No more than 2 outfitter launches per day are allowed in the peak season, and no more than 1 launch per day is permitted for dates outside of the peak season. Individual launch dates are scheduled on a first come, first serve basis (see # 2 above).

6) These rules are annual rules which may be amended or repealed in whole or in part by the Fish, Wildlife and Parks Commission.

ADOPTED THIS 15th day of January, 1992

ATTEST: Secretary; Fish, Wildlife and Parks Commission

Chairman; Fish, Wildlife and Parks Commission

DEPARTMENT OF FISH, WILDLIFE AND PARKS
1992 SMITH RIVER ALLOCATION RULE
APPENDIX A

License #	Name	Business Name	Allocated Launches
1) 80	Richard Anderson	Great Western Fly	1
2) 114	Mark Jones	Streamside Anglers	1
3) 130	Brian Nelson	Diamond N Outfitters	1
4) 451	Keith Baxter	Cutthroat Guide Serv.	1
5) 482	Al Wind	Mountain Services	1
6) 546	Graham Deacon	Graham Deacon Outfit	1
7) 548	Dillon Dempsey	Castle Mountain Fly	1
8) 636	Randy Cain	Montana Outdoor Adv.	1
9) 931	John Perry	John Perry's Flyfish	1
10) 1449	Jerry West	Mt. River Rats	1
11) 277	Russ Kipp	Mt. High Country Tour	3
12) 574	John Maki	John Maki Outfitting	3
13) 199	Robert Butler	Robert Butler Outfit	4
14) 472	Fred Tedesco	Western Rivers	4
15) 690	Richard Pasquale	Fly Fishers Retreat	4
16) 212	Robert D'Ambruoso	Headwaters Angling	6
17) 694	Paul Roos	Paul Roos Outfitting	7
18) 495	Mike Bay	High Plains Outfit.	8
19) 477	Joel Wiemer	Big Sky Expeditions	9

20) 573 Craig Madsen Montana River Outfit. 21
TOTAL ALLOCATED LAUNCHES: 79

Final Smith River Allocation Rule 1993
DEPARTMENT OF FISH, WILDLIFE AND PARKS
March 13, 1992

1) OUTFITTER PERMITS

A) Authorized outfitters will receive annual concessionaire permits. These permits will be reviewed and renewed in October of each year.

B) The Department has the opeion of withdrawing or retiring a permit held by an outfitter who violates a state rule or Department regulation.

2) PERMIT TRANSFER

A) If the concessionaire through voluntary sale or transfer of the outfitting business ceases to operate the business for which this permit is intended, this permit shall be subject to cancellation. If the permittee sells or transfers the outfitting business to another individual the department may transfer the permit and its associated launches to the new owner of the outfitting business, providing that the new concession applicant can meet criteria established by the Department and is willing and able to provide at least an equivalent floating service to the public as was previously offered by the original concessionaire. This paragraph also applies to sale or transfer of individual launches. Further providing, the Department receives a transfer fee of $100.00 per launch for each launch transferred.

B) No permanent transfer of permits or launches will be approved until after the 1993 allocation rules are finalized.

3) TERM OF ALLOCATION

These rules are annual rules which may be amended or repealed in whole or in part by the Fish, Wildlife and Parks Commission.

ADOPTED this 13th day of March, 1992.

ATTEST: K.L. Cool
Secretary; Fish, Wildlife and Parks Commission

Errol T. Galt
Chairman; Fish, Wildlife and Parks Commission

STATE OF MONTANA
DEPARTMENT OF FISH, WILDLIFE AND PARKS

1992/93/94 BIENNIAL FINAL RULE - STATE PARK SYSTEM USER FEES

I. LEGAL AUTHORITY FOR RULE

Sections 23-1-105, 23-1-106, and 87-1-303 MCA authorize the Collection fo fees and charges for the use of state park system units and fishing access sites, and contain rule-making authority for their use, occupancy and protection. Section 23-2-408 MCA authorizes the Fish, Wildlife & Parks Commission to establish recreational and commercial users fees for floating and camping on the Smith River. By virtue of this authority, the deparment has promulgated the following rule.

(Non-Smith Parks Rule Deleted Here)

X. SMITH RIVER

A. Registration

1. There is a voluntary pre-registration system operated out of the Great Falls regional office for floaters on the Smith River. Pre-registration will become mandatory if use limits are adopted.

2. There is a year-round mandatory registration system at Camp Baker to float the Smith River. Self registration is required when river rangers are not available.

B. Boat Identification

1. Waterproof tags will be issued to each vessel when the fees are paid. Each vessel must display a tag while on the river.

C. Group Size

1. Maximum group size is 15 people (including guides and other outfitter staff). A bona fide group has shared planning and expenses for the trip, genrally remains together while traveling to and on the river, and has a distinct and identifiable kitchen and camping unit.

2. Educational groups - organized tours or outings conducted for educational or scientific purposes may, on a case-by-case basis, qualify for an exemption of group size limits and fees if:

-The group is not outfitted.
-The educational or scientific purpose is related to the resources of the Smith River.
-The group pre-registers at least 30 days in advance.
-The group is from a bona fide institution established for these purposes.
-The group applies for and recieves an exempotion by submitting documentation of their official recognition as an educational or scientific institution and a statement as to the purpose of their proposed visit.

-The use for which the exemption is proposed is not primarily for recreational purposes.

D.Fees

1.Recreational user fee is $15 per person per trip age 12 and up. There is no fee for children age 11 and under.

2.Commercial User Fee

$15 for each client, outfitter and outfitter staff plus a $175 fee for each trip with no annual registration fee.

3.Full fees paid May 1 - September 30. Half price fees in April and October. No fees from November to March.

4.Fees may be paid at the Great Falls Fish, Wildlife & Parks regional headquarters or at Camp Baker.

5.Bona fide landowners and immediate family usage:

- Pay appropriate recreational user fee only if floating overnight.
- Must register for overnight and day floats either by telephone, mail, or in person. A bona fide landowner is a person who owns land bordering the Smith River anywhere between Camp Baker and Eden Bridge.

6.The equivalent amount of outfitter fees owed and paid to the U.S. Forest Service for each season will be credited to the outfitter should the Forest Service not terminate their fee collection system on the Smith River. All balances will be cleared by the department by December 31st of each year and refunds issued if appropriate.

Surchage assessed to persons who do not display a valid permit at areas with self-service fee stations (for all areas except Smith River) $2

Surcharge for Smith River (only) $10/person

1993 SMITH RIVER FINAL ALLOCATION RULE
DEPARTMENT OF FISH, WILDLIFE AND PARKS
OCTOBER 16, 1992

LEGAL AUTHORITY FOR RULE

Sections 23-1-105, 23-1-106, and 87-1-303 MCA authorize the collection of fees and charges for the use of state park system units and fishing access sites, and contain rule-making authority for their use, occupancy and protection. Section 23-2-408 MCA Authorizes the Fish, Wildlife & Parks Commission to implement a permit system and establish recreational and commercial user fees for floating and camping on the Smith River. By virtue of this authority, the department has promulgated the following rule.

1) This rule is part of the 1993 Smith River Allocation Rule approved by the Commission on March 13, 1992, and the current Biennial Parks Fee Rule.

2) RIVER CAPACITY

The capacity of the river is set at a maximum of 9 launches per day.

3) USE LIMITS

A. The historical ratio of outfitter launches to private launches will be maintained.

B. Authorized outfitters are limited to 1 launch per day, with an additional 2 launches allowed per week during the peak season (May 22 - July 3) on days of lowest private floater use as determined by the Department.

4) RESERVED BOAT CAMPS

The Department will require mandatory use of the declaration board for all floaters.

5) OUTFITTER ALLOCATION

A. Outfitter launches are capped at 73 for the 1993 float season, with no more than 54 launches allowed during the peak season. There are 16 authorized outfitters for the Smith River.

B. Awarding of actual launch dates will be done in conjunction with the authoriaed outfitters.

6) OUTFITTER FEES

In exchange for the opportunity for outfitters to transfer their permit when they sell their business, the individual per client recreational user fee will be $65. All other fees will remain as previously approved for the 1993 season.

7) CORRIDOR ENHANCEMENT ACCOUNT

The outfitter fee increase (section 6) and 10% of all other fees collected will be put in a Smith River Enhancement Account to be used to better manage and protect the river corridor.

8) PERMIT AND LAUNCH TRANSFER

Permanent permit trnasfers will only be approved if they include all allocated launches. Individual launch transfers (both temporary and permanent) are permitted only within the group of authorized outfitters. Temporary transfers may be as few as one launch.

9) PRE-REGISTRATION

A. There is mandatory pre-registration for outfitters and private floaters in the Great Falls office of the Department. A pre-registration fee of $175 per outfitter launch and $15 per private floater launch must accompany the application. These fees will be applied towards launch fees.

B. Any unassigned launches (outfitter or private floater) will be available daily to private floaters on a first come, first served basis at Camp Baker.

SMITH RIVER
AUTHORIZED OUTFITTERS FOR 1993

NAME	BUSINESS NAME	ALLOCATED LAUNCHES	
		PEAK AND/OR SHOULDER SEASON	
1 BAY, MIKE	HIGH PLAINS OUTFIT.	7	18
2 BUTLER, ROBERT	ROBERT BUTLER OUTFIT.	4	4
3 CAIN, RANDY	MONTANA OUTDOORS ADV.	1	1
4 D'AMBRUOSO, ROBERT	HEADWATERS ANGLING	9	9
5 DEACON, GRAHAM	GRAHAM DEACON OUT.	1	1
6 DEMPSEY, DILLON	CASTLE MTN FLYFISH	1	1
7 JONES, MARK	STREAMSIDE ANGLERS	2	2
8 KIPP, RUSSELL	MT HIGH COUNTRY TOUR	3	3
9 MADSEN, CRAIG	MONTANA RIVER OUT.	14	5
10 MAKI, JOHN	JOHN MAKI OUTFITTING	3	3
11 PASQUALE, RICHARD	FLY FISHERS RETREAT	2	3
12 PERRY, JOHN	JOHN PEERY FLYFISHING	1	1
13 ROOS, PAUL	PAUL ROOS OUTFITTING	10	0
14 TEDESCO, FRED	WESTERN RIVERS	4	4
15 WEIMER, JOE	BIG SKY EXPEDITIONS	6	7
16 WEST, JERRY	MT RIVER RATS	1	1
TOTALS		69	3

Errol T. Galt
Errol Galt, Chairman Date
Fish,Wildlife &Parks Commission

K. L. Cool
K.L. Cool, Secretary Date
Fish,Wildlife &Parks Commission

STATE OF MONTANA
DEPARTMENT OF FISH, WILDLIFE AND PARKS

FINAL
1994/95/96 BIENNIAL FEE RULE - STATE PARK SYSTEM USER FEES
(Smith River Portions Only)

I. LEGAL AUTHORITY FOR RULE
Sections 23-1-105, 23-1-106, and 87-1-303 MCA authorize the collections of fees and charges for the use of state park system units and fishing access sites, and contain rule-making authority for their use, occupancy and protection. Section 23-1-118 authorizes resident/nonresident fee differentials in primitiave parks. Section 23-2-408 MCA authorizes the collection of recreational and commercial user fees for floating and camping on the Smith River. By virtue of this authority, the department has promulgated the following rule.

XI. SMITH RIVER
1) RIVER CAPACITY - The capacity of the river is set at nine launches per day.

2) PRE-REGISTRATION
There is mandatory pre-registration for outfitters and private floaters in the Great Falls office of the Department. A pre-registration fee of $175 per outfitter launch and $15 per private floater launch must accompany the application. This fee will be applied towards launch fee.
Any unassigned launches (outfitter or private floater) will be available daily to private floaters on a first come, first served basis at Camp Baker. Self registration is required when river rangers are not available.
Unassigned outfitter launches will be available to private floaters seven days before the launch date.
3) RESERVED BOAT CAMPS
All floaters are required to declare their campsites on the boat camp declaration board.
4) BOAT IDENTIFICATION
Waterproof tags will be issued to each group when the fee is paid. Each group must display a tag while on the river.
5) GROUP SIZE
Maximum group size is 15 people (including guides and other outfitter staff). A bona fide group has shared planning and expenses for the trip, generally remains together while traveling to and on the river, and has a distinct and identifiable kitchen and camping unit.
6) EDUCATIONAL GROUPS
Organized tours or outings conducted for educational or scientific purposes may, on a case-by-case basis, qualify for an exemption of group size limit and fee if:
- The group is not outfitted.
- The educational or scientific purpose is related to the resources of the Smith River.
- The group pre-registers at least 30 days in advance.
- The group is from a bona fide institution established for these purposes.
- The group applies for and receives an exemption by submitting documentation of their official recognition as an educational or scientific institution and a statment as to the purpose of their proposed visit.
- The use for which the exemption is proposed is not primarily for recreational purposes.
7) FEES
A.RECREATIONAL USER FEE
The recreational user fee is $15 per person per trip for floaters age 12 and older. There is no fee for children age 11 and under. Full fee paid May 1 - September 30. The $15 fee is half price in April and October. No fee from November to March.
B. OUTFITTER FEE
$15 for each outfitter and outfitter staff; $65 for each outfitted client; plus $175 fee per outfitted launch.
C. Bona fide landowners and immediate family usage:
- Pay appropriate recreational user fee only if floating overnight. Landowners who do not float overnight do not count against the nine launch daily limit.
- Must register for overnight and day floats either by telephone, mail, or in person. A bona fide landowner is a person who owns land bordering the Amith River anywhere between Camp Baker and Eden Bridge.
8) CORRIDOR ENHANCEMENT ACCOUNT
Fifty dollars from outfitted client fee, and 10% of all other fees collected will be put in a Smith River Enhancement Account to be used to better manage and protect the river corridor.
9) OUTFITTERS
A. Outfitter Allocation
Outfitter launches are capped at 73/year for the 1994/95 float sesons, with no more than 54 launches/year allowed during each peak season. There are 15 authorized outfitters for the Smith River.
Awarding of actual launch dates will be done in conjunction with the authorized outfitters. Authorized outfitters are limited to 1 launch per day, with an additional 2 launches allowed per week during the peak season (May 21 - July 2, 1994 and May 20 - July 1, 1995), on days of lowest private floater use as determined by the Department.
B. Outfitter Permits
Authorized outfitters will receive annual concessionaire permits. The Department has the option of withdrawing or retiring a permit held by an outfitter who violates federal or state laws or rules of Department regulations.
C. Permit Transfer
If the concessionaire through voluntary sale or transfer of the outfitting business ceases to oplerate the business for which a permit is intended, the permit shall be subject to cancellation. If the permittee sells or transfers the outfitting business to another individual the department may transfer the permit and its associated launches to the new owner of the outfitting business, providing that th new concession applicant can meet criteria established by the Department and is willing and able to provide at least an equivalent floating service to the public as was previously offered by the original concessionaire. This paragraph also applies to sale or transfer of individual launches. Further providing, the Department receives a transfer fee of $100.00 per launch for each launch permanently transferred.

Permanent permit transfers will only be approved if they include all allocated launches. Individual launch transfers (both temporary and permanent) are permitted only within the group of authorized outfitters. Temparary transfers may be as few as one launch.

E. Outfitter Fee Credit

The equivalent amount of an outfitter fee owed and paid to the U.S. Forest Service for each season will be credited to the outfitter should the Forest service not terminate their fee collection system on the department by December 31st of each year and refunds issued if appropriate.

Other Charges

Surcharges assessed to persons who do not display a valid permit at areas with self-service fee stations (for all areas except Smith River) $2

Surcharge for Smith River (only) $10/person

SMITH RIVER
AUTHORIZED OUTFITTERS FOR 1994 & 95

NAME	BUSINESS NAME	ALLOCATED LAUNCHES	
		PEAK AND/OR SHOULDER SEASON	
1 BAY, MIKE	HIGH PLAINS OUTFIT.	7	18
2 BUTLER, ROBERT	ROBERT BUTLER OUTFIT.	4	4
3 CAIN, RANDY	MONTANA OUTDOORS ADV.	1	1
4 D'AMBRUOSO, ROBERT	HEADWATERS ANGLING	9	9
5 DEACON, GRAHAM	GRAHAM DEACON OUT.	1	1
6 DEMPSEY, DILLON	CASTLE MTN FLYFISH	1	1
7 JONES, MARK	STREAMSIDE ANGLERS	3	3
8 KIPP, RUSSELL	MT HIGH COUNTRY TOUR	3	3
9 MADSEN, CRAIG	MONTANA RIVER OUT.	14	5
10 MAKI, JOHN	JOHN MAKI OUTFITTING	4	5
11 PERRY JOHN	JOHN PERRY FLYFISHING	1	1
12 ROOS, PAUL	PAUL ROOS OUTFITTING	10	0
13 TEDESCO, FRED	WESTERN RIVERS	4	4
14 WEIMER, JOE	BIG SKY EXPEDITIONS	6	7
15 WEST, JERRY	MT RIVER RATS	1	1
TOTALS		69	8

The 1994/95 Biennial Fee Rule is in effect from March 1, 1994 through February 29, 1996.

Stan Meyer 10/15/93
STAN MEYER, CHAIRMAN DATE
Fish, Wildlife & Parks Commission

Patrick J. Graham 10/19/93
PATRICK J. GRAHAM DATE
Fish, Wildlife & Parks Commission

STATE OF MONTANA
DEPARTMENT OF FISH, WILDLIFE AND PARKS
BIENNIAL FEE RULE
STATE PARK SYSTEM USER FEES FOR
THE PERIOD MARCH 1, 1996 THROUGH FEBRUARY 28, 1998

I. LEGAL AUTHORITY FOR RULE

Sections 23-1-105, 23-1-106, and 87-1-303 MCA authorize the collection of fees and charges for the use of state park system units and fishing access sites, and contain rule-making authority for their use, occupancy and protection. Section 23-1-118 authorizes resident/nonresident fee differentials in primitive parks. Section 23-2-408 MCA authorizes the collection of recreational and commercial user fees for floating and camping on the Smith River. By virtue of this authority, the department has promulgated the following rule.

(Non Smith River fee sections deleted)

XI. SMITH RIVER
1) RIVER CAPACITY - The capacity of the river is set at nine launches per day.
2) PRE-REGISTRATION
a) There is mandatory pre-registration for outfitters and private floaters in the Great Falls office of the Department. A pre-registration fee of $175 per outfitter launch and $15 per private floater launch must accompany the application. This fee will be applied towards launch fee. Permits are issued to an individual and are non-transferable. Initial private floater launch dates will be allocated by drawing. Unsuccessful applicants for the initial drawing may donate their pre-registration fee to the Corridor Enhancement Account or receive a refund.
b) Any unassigned launches (outfitter or private floater) will be available daily to private floaters on a first come, first served basis at Camp Baker. Self registration is required when river rangers are not available.
c) Unassigned outfitter launches will be available to private floaters seven days before the launch date.
d) Persons failing to notify either the Great Falls office or Camp Baker station in the event of a cancellation will be ineligible for the drawing in the following season. In case of a cancellation, pre-registration fees paid can only be applied by the individual permit holder to the remainder of the current float season, after which it is placed in the Smith River operations account. Cancellations made two days or less before the launch date results in loss of pre-registration fee.
3) CAMPSITE DECLARATION
All floaters are required to declare their campsites on the boat camp declaration board.
4) BOAT IDENTIFICATION
Waterproof tags will be issued to each group when the fee is paid. Each group must display a tag while on the river.
5) GROUP SIZE
Maximum group size is 15 people (including guides and other outfitter staff). A bona fide group has shared planning and expenses for the trip, generally remains together while traveling to and on the river, and has a distinct and identifiable kitchen and camping unit within the same declared campsite.
6) EDUCATIONAL GROUPS
Organized tours or outings conducted for educational or scientific purposes may, on a case-by-case basis, qualify for an exemption of group size limit and fee if:
a) The group is not outfitted.
b) The educational or scientific purpose is related to the resources of the Smith River.
c) The group pre-registers at least 30 days in advance.
d) The group is from a bona fide institution established for these purposes.
e) The group applies for and receives an exemption by submitting documentation of their official recognition as an educational or scientific institution and a statement as to the purpose of their proposed visit.
f) The use for which the exemption is proposed is not primarily for recreational purposes.
7) FEES
a) RECREATIONAL USER FEE
The recreational user fee is $15 per person per trip for floaters age 12 and older. There is no fee for children age 11 and under. Full fee paid May 1 - September 30. The $15 fee is half price in April and October. No fee from November to March.
b) OUTFITTER FEE
$15 for each outfitter and outfitter staff; $65 for each outfitted client; plus $175 fee per outfitted launch.
c) Bona fide landowners and immediate family usage:
• Pay appropriate recreational user fee only if floating overnight. Landowners who do not float overnight do not count against the nine launch daily limit.
• Must register for overnight and day floats either by telephone, mail, or in person. A bona fide landowner is a person who owns land bordering the Smith River anywhere between Camp Baker and Eden Bridge as shown by Meagher and Cascade County records.
• Immediate family includes spouses, parents, siblings and children of landowner.
8) CORRIDOR ENHANCEMENT ACCOUNT

Fifty dollars from outfitted client fee, and 10% of all other fees collected will be put in a Smith River Enhancement Account to be used to better manage and protect the river corridor.

9) OUTFITTERS

a) Outfitter Allocation

• Outfitter launches are capped at 73/year for the 1996/97 float seasons, with no more than 54 launches/year allowed during each peak season. There are 14 authorized outfitters for the Smith River.

• Awarding of actual launch dates will be done in conjunction with the authorized outfitters.

• Authorized outfitters are limited to 1 launch per day, with an additional 2 launches allowed per week during the peak season on days of lowest private floater use as determined by the Department.

b) Outfitter Permits

• Authorized outfitters will receive annual concessionaire permits. The Department has the option of withdrawing or retiring a permit held by an outfitter who violates federal or state laws or rules or Department regulations.

• Authorized outfitters must be licensed in the State of Montana and permitted by the King's Hill Ranger District of the Lewis and Clark National Forest.

c) Permit Transfer

• If the concessionaire through failure to license with the Board of Outfitters, voluntary sale or transfer of the outfitting business ceases to operate the business for which a permit is intended, the permit shall be subject to cancellation. If the permittee sells or transfers the outfitting business to another individual the department may transfer the permit and its associated launches to the new owner of the outfitting business, providing that the new concession applicant can meet criteria established by the Department and is willing and able to provide at least an equivalent floating service to the public as was previously offered by the original concessionaire. This paragraph also applies to sale or transfer of individual launches. Further providing, the Department receives a transfer fee of $100.00 per launch for each launch permanently transferred.

• Permanent permit transfers will only be approved if they include all allocated launches. Individual launch transfers (both temporary and permanent) are permitted only within the group of authorized outfitters. Temporary transfers may be as few as one launch.

d) Outfitter Fee Credit

• The equivalent amount of an outfitter fee owed and paid to the U.S. Forest Service for each season will be credited to the outfitter should the Forest Service not terminate their fee collection system on the Smith River. All balances will be cleared by the department by December 31 of each year and refunds issued if appropriate.

SMITH RIVER
AUTHORIZED OUTFITTERS FOR 1996 & 1997

	NAME	BUSINESS NAME	ALLOCATED LAUNCHES		
			Peak and/or shoulder season	Shoulder seasons	Total
1	CAIN, RANDY	MONTANA OUTDOORS ADV.	1		1
2	D'AMBRUOSO, ROBERT	HEADWATERS ANGLING	9		9
3	DEACON, GRAHAM	GRAHAM DEACON OUT.	1		1
4	GEARY, MIKE	LEWIS & CLARK EXPEDITIONS	7	1	8
5	JONES, MARK	RIVER RESOURCE OUTFITTERS	3		3
6	KIPP, RUSSELL	MT HIGH COUNTRY TOURS	3		3
7	MADSEN, CRAIG	MONTANA RIVER OUT.	14	1	15
8	MAKI, JOHN	JOHN MAKI OUTFITTING	4	1	5
9	PERRY, JOHN	JOHN PERRY FLY FISHING	1		1
10	RENAUD, ED	BIG SKY EXPEDITIONS	6	1	7
11	ROOS, PAUL	PAUL ROOS OUTFITTING	11		11
12	TEDESCO, FRED	WESTERN RIVERS	4		4
13	WALKER, ROBERT	SMITH RIVER FLY FISHING EXPEDITIONS	4		4
14	WEST, JERRY	MT RIVER RATS	1		1
	TOTALS		69	4	73

STAN MEYER, Chairman DATE PATRICK J. GRAHAM DATE
Fish, Wildlife & Parks Commission Fish, Wildlife & Parks Commission

Appendix Seven
Smith River Statistics - 1985 - 1995

SMITH RIVER STATISTICS 1985-1995

YEAR	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	AVE
TOTAL NUMBER OF FLOATERS	854	2060	1242	1462	2395	2654	2842	782	3688	3207	4112	2300
OUTFITTED FLOATERS	170	364	403	NA	484	588	656	222	432	459	520	429.8
PRIVATE FLOATERS	684	1598	839	NA	1911	2204	2139	539	3172	2689	3534	1931
TOTAL NUMBER OF GROUPS	152	416	219	330	465	579	584	181	738	544	739	449.7
OUTFITTED GROUPS	17	43	44	20	51	63	73	31	49	45	54	44.55
PRIVATE GROUPS	135	353	175	310	414	516	493	142	664	481	665	395.3
AVERAGE # FLOATERS PER GROUP	5.4	4.7	5.6	4.3	4.8	4.2	4.9	4.3	5	5.9	5.6	4.973
TOTAL USER DAYS	NA	7210	5133	NA	9015	10769	11792	3140	14867	13444	17412	10309
OUTFITTED USER DAYS	NA	NA	NA	NA	NA	NA	3076	1098	1940	2325	2561	2200
PRIVATE USER DAYS	NA	NA	NA	NA	NA	NA	8724	1963	12656	10925	14644	9782
AVERAGE # DAYS/GROUP	3.5	3.86	4.28	NA	3.88	4.31	4.1	4	4	4.2	4.2	4.033
TOTAL USER NIGHTS	NA	5260	3906	NA	7105	8118	9326	2572	11219	10418	12168	7788
OUTFITTED USER NIGHTS	NA	NA	NA	NA	NA	NA	2442	855	1504	1866	1991	1732
PRIVATE USER NIGHTS	NA	NA	NA	NA	NA	NA	6884	1622	9540	8365	10015	7285
TOTAL GROUP NIGHTS	NA	1071	685	NA	1379	1681	1941	569	2243	1765	2157	1499
OUTFITTER % OF TOTAL GROUPS	NA	11	20	6	11	10	12.5	17	7	8	7	10.95
OUTFITTER % OF TOTAL FLOATERS	17	19	32	13	20	21	23	28	12	14	13	19.27
NUMBER OF OUTFITTERS	12	12	10	9	14	16	16	8	12	10	11	11.82
TOTAL # CRAFT	NA	834	546	633	1007	1088	1189	358	1343	1374	1798	1017
TOTAL # OUTFITTED CRAFT	NA	NA	NA	NA	NA	NA	NA	99	187	171	208	166.3
TOTAL # PRIVATE CRAFT	NA	NA	NA	NA	NA	NA	NA	259	1156	1173	1548	1034
AVE # CRAFT/GROUP	2.3	2.1	2.4	2	2.1	2	2	2	1.8	2.5	2.4	2.145
NUMBER OF RAFTS	NA	NA	NA	NA	623	670	768	226	774	863	1114	719.7
NUMBER OF CANOES	NA	NA	NA	NA	304	330	334	110	438	353	415	326.3
NUMBER OF DRIFT BOATS	NA	NA	NA	NA	35	33	72	9	100	82	140	67.29
NUMBER OF KAYAKS	NA	NA	NA	NA	25	19	15	10	61	46	105	40.14
NUMBER OF OTHER TYPE BOAT	NA	NA	NA	NA	12	36	NA	4	12	30	24	19.67
HIGH WATER FLOW LEVEL	233	833	210	138	950	356	647	270	555	656	454	482
LOW WATER FLOW LEVEL	36	92	47	18	45	55	42	23	102	53	64	52.45

NOTE: WATER FLOW READINGS ARE AT THE LOGAN BRIDGE