

## Western Montana BLM RAC Subcommittee on Madison River Fee Proposal

### April 23, 2024 meeting – Virtual (via Teams)

#### Attendees:

- Ingram Crosson - MT Whitewater and Madison River Tubing
- Lois Steinbeck - member of RAC, public member
- Clayton Elliot - Vice Chair of BLM RAC
- Bruce Bugbee - sitting in for Kim McMahon
- Mike Bias - Exec. Director - outfitters assoc.; Madison SRP holder
- Brian McGeehan - Owner, Montana Angler
- Dave Kumlien - RAC committee member
- Andrew Puhls - FW&P, recreation ranger Region 3
  
- David Abrams - BLM
- Amanda James - BLM
- Kristen Ulery - BLM
- Corey Meier – BLM
- Whit Patterson - BLM
- Alexandra Kind - BLM (notes)
- Stevie Burton - MT FW&P - Statewide comment coordinator
  
- Not in attendance:
  - Will Israel - Executive Director of Montana Outfitters and Guides Association
  - Mike Garcia - expertise with noncommercial boating river recreation
  - Katie Stevens – BLM, District Manager

#### Agenda:

1. **Recap of 3/11 meeting for those who were not in attendance.**
  - a. **Kristen** put together presentation regarding FLREA (Federal Lands Recreation Enhancement Act), different types of access passes, information about standard and expanded sites.
  - b. **LOIS** – I understand the amenities for standard/expanded; is there any guidance on what the level of the fees is between standard/expanded? (Answer: No.)
  - c. **COREY** - 4/11 meeting key questions: Who/how to charge, what is the appropriate amount to charge?
  - d. **AMANDA** – When the business plan was drafted, Kristen and the recreation staff compared BLM sites to other fees/sites in region. They did not look beyond MT.
  - e. **MIKE** - why didn't you look beyond MT for fee structures? **COREY** - in draft business plan, that was a starting point to begin discussions knowing we would be working with the RAC. We looked at the immediate area for a starting point – this is consistent with our process.
  - f. **KRISTEN** - we have only begun to look at the fees/permit structures outside of MT and outside of BLM. We plan to look further into other areas for comparison. **MIKE** – I'm not convinced that outside MT/BLM, ID, is all that different than MT. If ID has ducks in a row

for fee charging, why wouldn't we look to them as a model? **COREY** - we can, but as a starting point we were just looking at MT area for discussions.

- g. **LOIS** - I agree with Mike. I'm not as interested in the fee level, as I am creative ideas on how to collect fees and approach users. My decision on fee level is driven on how we fund what we need to fund and keep it reasonable. If we are missing an innovative system that works, I'll be sad.
- h. **BRIAN** – I learned in Madison River Work Group, there's a lot of interagency cooperation in many states with rivers (BLM & FWP with SRP commercial use). I would encourage you to ... existing rule/regs in fee structures specific to BLM. My recommendation is to thoroughly research existing laws/rules for commercial and noncommercial. Is someone actively researching and looking at existing rules on fee structures related to federal permits/use related to commercial/noncommercial, so we know boundaries on what is/is not possible? **AMANDA** – We've done that for BLM (FLREA). Presentation to come. There are other fees charged by other state agencies. BLM is consistent with its fees and how they are proposed in the plan. **KRISTEN** - yes, we have thoroughly researched, continue to consult with subject matter experts on FLREA, continue to double check to make sure we are on the right track with those outside the Dillon Field Office.
- i. **COREY** - prepared business plan. Not a permit for access. The day use fee is strictly to help cover the cost of the amenities at more developed sites. We are operating in the red. FLREA allows us to charge to cover those expenses. Review of 3/11 meeting presentation details. **AMANDA** - review of 3/11 fee details.
- j. **BRUCE** - observations based on last meetings - challenges with gaming... figure out different way to recreate by going to alternate sites/pioneering sites, problem on who collects the fees (outfitters collecting/bus drivers collecting), carried through to logical conclusions BLM charges more fees to cover costs - shifts sense of gaming to other administrators - how do you synchronized with other public providers?

## 2. FLREA PRESENTATION (KRISTEN)

- a. Follow-up Questions - None.

## 3. OPTIONS DISCUSSED IN 3/11 MEETING

- a. **AMANDA** - page 4 of FLREA packet - has sites listed/amenities provided/standard or expanded. It is not all-inclusive list.
- b. **KRISTEN** – We will re-think classification of some of the sites as we progress further with the business plan. The business plan does have all the sites identified (page 3).
- c. **LOIS** - the last paragraph on page - DFO receives \$0 for the sales of interagency passes. **AMANDA** – “DFO” is Dillon Field Office. **LOIS** - so revenue from passes - where does that go? **AMANDA** – the majority goes back into the treasury. FLREA fees go under a different category, local fees retained and reinvested in local sites. **WHIT** – it depends on where the pass was sold, percentage goes back into field office 1232 funds.
- d. **KRISTEN** - 4th Grade Student Pass (Every Kid Outdoors), Free Day Access. FLREA - can host DFO free days, details TBD. Public Library has passes for rental.
- e. **BRIAN** - can you fill me in on the commercial side of it - with the current SRP fee structure \$21/day operate one guide on the river. Does existing SRP still cover cost to access sites? **AMANDA** - this is a question for RAC subcommittee to discuss. Recap - we understand through joint SRP program there are fees that pay for commercial use and operation of BLM/FWP sites/access to river. Challenge - high use sites (Warm Springs)

where not only outfitters/guides using, SRP holders that have shuttle operations for tubers (thousands of people) and others accessing site to tube the river. How do we capture that type of use in our day use fee at particular sites? **BRIAN** - different types of commercial use. Clarification for outfitters (fishing guides) - we do pay a day use fee. Approx \$21/day guided vehicle access. Primary use rec use/tubing - whitewater - volume-wise it is more delivery service (tubes /people to river) different form of use. Fishing outfitters are already paying per day of access - quite a bit more than existing fee structure proposed - not a double taxation. **AMANDA** - we offer SRP jointly with FWP. Whether you're a delivery service or an outfitter, it is still an SRP. Fees associated with SRP .. Commercial revenue generated off federal land. Fees used to manage program of issuing SRPs not revenue generated to pay for amenities at the sites.

- f. **INGRAM** - we do not use Warm Springs for tubing operations. We use California Corner. We do operate on Warm Springs, about 2-3 cars every few days, through our SRP. Our tubing operation doesn't add volume to Warm Springs. Regarding the pictures of tubers walking up/down highway – what's the reason behind it? **KRISTEN** – We're looking for the reason pedestrians are navigating the highway. Currently, we're not looking at a walkway being built. People want the full ride down the river – if Warm Springs parking is full, they will park at California Corner and then walk back to start at Warm Springs. Pedestrian safety is a high priority. We are planning to address it.
- g. **MIKE** - Not everyone in the tube is from MT Whitewater. Brian/Clayton - meeting structures will they be on TEAMS going forward? **DAVID ABRAMS** – We must have the virtual meeting option, but we can also meet in person and have a hybrid meeting. **MIKE** - in my eyes, MT BLM fee structure/day fees are new to MT BLM. ID has been doing it for 30 years. Brian's point - there is a difference in SRPs that we're using on the Madison. Not all SRPs are created equal - fishing outfitters, shuttles. If there is more, we need to know. Who is being charged what? Through Madison Workgroup the MT Whitewater the SRP is structured different than for outfitters. Subcommittee needs to know differences. How does Blacks Ford figure into this? If Ingram is launching at California Corner and pulling out at Blacks Ford - that's BLM/FWP. **ANDREW** - different SRP permits. There are two types - reg. commercial use (outfitters, people conducting on the water services) 95% or more of SRPs issued. 2nd - shuttle operators. Currently have 6 operators. MT Whitewater permit holds both SRPs. The bus transport service is managed under shuttle service. Difference: shuttle operators are not charged for their use of non-BLM sites. MT Whitewater pays for BLM California Corner 1.5%, not FWP Blacks Ford site. **MIKE** - My on-river use regardless of where I take out is still 3%. My river use is tied to how many clients I have. I turn in my reports - it is X number of clients per year. Where shuttle brings 40 in tubes to launch at California Corner and only a shuttle when their impact on river is 40 people in tubes - maybe that needs to be revisited. **ANDREW** - they pay per person. They report those numbers --- they pay 1.5% per person.
- h. **MIKE** - pass on car covers amenity use on rivers where BLM has launches. Interestingly, there's no tubing at the rivers in ID. So how do we accommodate the tubers? Hi cap vehicles - permit based on capacity. Difference between SRPs before determining fee structure.
- i. **(CHAT COMMENT) DAVE:** Is it correct that none of the current SRP fees collected from commercial users goes to Madison River infrastructure support? **KRISTEN** - FWP is currently receiving and managing 100% of the joint SRP fees. The BLM is not currently receiving any. Andrew can shed light on how that revenue is being spent.

- j. **LOIS** - some of the same questions as Mike. How many kinds of SRPs, whether an SRP fee can be used to caption differences we are talking about? In terms of capacity and how we look at the number of users associated with each business. Do we have the flexibility to modify beyond types of SRPs we have or add to SRPs to capture high volume users? **AMANDA** - We have Spec. Rec. Permit - under that program we authorize different activities (range from competitive events, org. events, commercial ops). The Madison - two types of activities. Need to understand how day use fee is going to affect SRP holders. Business plan is to approve day use fee.
- k. **BRIAN** - follow-up on SRP - for nonguided Madison River tubing - they're paying just for shuttle operation. The guests drive their own vehicles to California Corner to park. Under that model - if there is a day use fee, they would still need to pay the vehicle assess fee. Unlike guided services, fishing guide is driving the vehicle. Operating/daily service. We are already paying these fees.
- l. **MIKE** - Kristen's chat answer. That was put in place '07-'09 - if SRP issue is not relevant to not deciding fee structure lets drop. Workgroup - act of Congress to change 3% fee. Why are tubers driving their own cars if there is a bus bringing them there? We need to look at per vehicle fee - separate and distinct from SRP. **INGRAM** – We offer two types of trips (1 bus trip a day / 40 people), meet at the river (give tubes there and then shuttle back to car).
- m. **MIKE** - the amount of fees that commercial users regardless of SRP type - several are in the \$4-5k range. The guides are paying FAS commercial user fee through FWP. None of the SRP fees go to infrastructure on the Madison. We're to the point where BLM needs to collect fees from people who aren't paying their fair share. Whether it is a car pass based on capacity of the vehicle. We develop something like that and propose it. Current commercial users should be exempt. Regardless of the launch. Need to garner from users not currently paying. Recently enacted - hunters/anglers/nonhunting & angling people must pay conservation license.
- n. **BRIAN** - recommend someone at BLM reach out to FWP. We pay collectively over 20k fees for federal SRP permit. No revenue goes back to BLM. Amount of revenue raised in fees has expanded dramatically. Funds just go into general fund MT FWP. Times have changed - use has increased. Amount of fees has increased. Amount of commercial revenue exceeds costs of permitting process.
- o. **DAVE** - I don't want to see BLM leans on state and fees go up and tubers still aren't paying to use the Madison.
- p. **LOIS** - I don't think we're getting money from diverting current funds. I'd like to see the agencies work together. **CLAYTON** - yes, spot on.

#### 4. OPTIONS BASED OFF OF 3/11 DISCUSSION

- a. Page 17 - Fee Proposal options - **KRISTEN** - Overview. It is in the FLREA toolkit (last two pages)
- b. O1: Charge by Vehicle (Public):
- c. O2: Charge by Person (Public):
- d. O3: Charge by vehicle (public, SRP tubers at CA Corner):
- e. O4: Charge by person (public, SRP shuttled tubers at CA Corner)
- f. O5: Charge by vehicle (public, SRP):
- g. O6: Charge by person (public, SRP):
  - i. **AMANDA** - option 6 - does that include clients? Yes. If there was a guided angling float - truck with 3 clients all four would be responsible for the fee.

- h. O7: Charge by vehicle - raise fee (public):
- i. O8: Charge by person - raise fee (public):
- j. O9: Charge by vehicle size (subset TBD):
- k. O10: Consider dividing Lower/Upper Madison: per vehicle on Upper, per person on Lower/tuber.

## 5. Discussion and Recommendations

- a. **BRIAN** - typically when it comes to River Rec - most commonly fee on individuals. This isn't a floating permit. It is access to site. If you go per person, it will get very complicated very fast. Site use - look at vehicle option. Easier to enforce pass in windshield - could have 9+ fee and 8-and-below lower fee. Recommend that it be applied to Madison as a whole rather than Upper/Lower - makes it difficult if someone wants to switch throughout the day.
- b. **MIKE** - not a float pass, it is amenity use pass. Do not recommend per person route. Upper/Lower River - do not recommend. It would be confusing for region to have different system in place. Commercial users hammered fee wise - implement commercial user exemption.
- c. **BRUCE** - Are the fees collected in different ways depending on the option? **KRISTEN** - recap FLREA fees - inclusive of day use fee for any sites within Madison River business plan sites. Annual pass same sites standard / expanded. Also, America the Beautiful. Currently - hybrid of iron rangers/fee tubes. Transition to predominately recreation.gov. DFO/agency to move away from cash collection. **BRUCE** - do the fees paid get back to provider of services in a way that offsets their expenses? **KRISTEN** - the day use fee and annual voucher - fall under FLREA where sites retain 100% fees. Only one that goes back to treasury - ATB pass. Unless bought at Dillon Field Office. **AMANDA** - Clarify if floating group needed shuttle/two vehicles. It depends if they are putting in on BLM vs FWP.
- d. **INGRAM** - if you buy a day pass - good for anywhere on Madison. A family that went out with two vehicles would have to pay for each vehicle to be at start/end point on river.
- e. **BRIAN** - simplicity for user - concern with differentiation of passes and access. Very few people will buy annual at field office as most are coming from out of the area or out of Bozeman/Yellowstone. Does not deliver a significant amount of revenue to the corridor. Recommend - one day use fee or separate.
- f. **MIKE** - response to Kristen. Person can buy season pass or pay by the day.
- g. **CLAYTON** - per vehicle/per person: valuable to keep both options up for discussion. 8 people in rig will put more pressure on amenities vs 1 in vehicle. Campground fees that are part of Business Plan have been separated. Day use vs campground fees. Campground fees increase. --- moving sites from standard to expanded to create more revenue without demand/need to do so. Follow up on "We have to put trash receptacle there to upgrade site" don't create new amenities just so we can change fee structures and/or move people into different category. There are a lot of folks who are happy with the sites as is --- brand new amenities did not want/need/ask for and now charging for them. **COREY** - what we are proposing is day use fees where we're already offering expanded amenities. If new trash service, in response to existing needs/demands. We don't charge for/want to charge for parking. It is when amenities must develop to accommodate the use, damage to natural resources, seasonal employment, etc. In response to surging use over last few years. **AMANDA** - fee for expanded / standard is same. **WHIT** - there's no funding to add these amenities down the road. Most often break even. Goal to make up for loss of operational dollars (staff, maintenance).

- h. **MIKE** - per person (tubers vs guide/client) - is that feasible fee structure wise?
- i. **LOIS** - we want revenue to help support maintenance/infrastructure ops - does any SRP revenue support BLM in these activities? **Corey** - No. **LOIS** - how do we get revenue for impact of use of amenities for SRP holders? The SRP holders are paying quite a bit, but none of this revenue goes to the function to maintain the sites that are being used to access the river on BLM. **MIKE** - the SR program implemented in '07 (WHIT - no authority that allows BLM to enter agreement where fees are collected on BLM site and held by another agency). not our fault that BLM was not powerful negotiator/missed opportunity to garner funds at that time for infrastructure. Not fair to come after us now. Let's garner funds from the people who aren't paying anything at all right now. Other states (ID) it doesn't matter if you're public/commercial you're paying amenity use fee.
- j. **LOIS** - fee is being collected to support amenities. Everyone who uses sites uses those. Collecting money to do this/function - need to be cleaner by not limiting groups of users. Want to be fair.
- k. **AMANDA** - important to be fair/considerate of all users on how we approach this fee. Keep circling back to SRP joint agreement structure - it is a different topic. Focus: how to implement - if applied to SRP, how will it impact? Per person / per vehicle, Upper/Lower, fee amount.

## 6. FINAL THOUGHTS

- a. **BRIAN** - go through each - SRP holders have exempt parking pass or they won't. Evaluate each with general users and then determine commercial fall under general users or not? **LOIS** - tackle with the first option - include impact to commercial users right away.
- b. **AMANDA** - options include SRP holders/non. Add topic of impact to commercial users.

### Action Items:

- Upcoming Meetings: May 7, 23 TEAMS meeting (VIRTUAL). May 7th - in person at DFO.
- **FLREA PRESENTATION (KRISTEN)** CAN SHARE PP WITH DAVID IF REQUESTED.
- **Whit** to provide BLM/FWP agreement to DAVID.
- **LOIS** request meeting where we focus intently of each option discussing pros/cons. Request 1 page handout: fee revenue generated/deficit by each option. Want to make sure we reach/get close to goal of addressing the deficit.
  - BLM to put together revenue tables for next meeting. Data using vehicle counter information, not per person counter.

Reviewed and approved by

