

### **Key Points:**

- Currently there is no state statutory or regulatory licensing oversight of fishing guides. The Wyoming State Board of Outfitters and Professional Guides currently licenses and regulates big and trophy game outfitters and professional guides by authority of W.S. 23-2-410. Is there potential for fishing outfitters and guides inclusion with this board?
- There are federal regulations regarding the commercial use of some federal lands. Permits are sometimes required.
- Federal agencies that require permits are Bureau of Land Management, Forest Service, National Park Service, and National Wildlife Refuge System (Seedskaadee).
- There have been five draft legislative bills since 1991 relating to regulating fishing outfitting and guiding. The first was in 1991, then in 1993, 2005, 2014, and again in 2019.
- The impetus for most of this legislation, and certainly the most recent, has been competition between local anglers and commercial operators. Angler crowding has also been cited as a problem.
- Crowding is an issue affecting angler experience, but is not a biological issue. If angling pressure is proven to have a negative effect on a body of water, the Wyoming Game and Fish Department (Department), via Ch 46, Section 34, could address concerns through the rulemaking process.
- For some waters, the crowding issue was most strongly expressed by local guides who are concerned with having to compete with guides from other towns or states. Local residents have complained about increasing numbers of guides on the Salt River, Green River, Bighorn River, and nearly all reaches of the Platte River.

### **Fisheries Synopsis:**

- Most public and guided fishing in Wyoming is in pursuit of trout on streams and rivers. There is a small, but possibly growing, contingent of guide activity in pursuit of Wyoming walleye.
- Wyoming has a large number of high quality trout fisheries (many lakes and reservoirs), but the vast majority of guided angling occurs on a small number of the state's floatable rivers on reaches where trout abundances are high. Tail waters (river reaches downstream of reservoirs) are regularly stocked with hatchery trout, while most unregulated rivers are sustained by natural reproduction.
- Trout populations in Wyoming rivers are influenced most by hydrologic cycles and events like drought (dewatering), floods, winter ice, siltation, and human-induced habitat degradation.
- Many rivers ice over, run high and turbid in spring, run low and warm in summer, or are otherwise difficult to fish for many months of the year. Given the seasonality of these fisheries and the catch and release nature of guided fishing in Wyoming, angler impacts on trout populations in even the most popular waters are small.

## Attachment C. Key Points to Communicate About Fishing Outfitters and Guides

- The majority of guided fishing in the state is catch and release fly-fishing with low angling mortality rates.
- Trout population cycles are driven primarily by environmental factors and high natural mortality rates, which far exceed angling mortality.
- The Department conducts regular trout population surveys on all of the waters popular with guided fishing. Long-term trend analyses show that numbers of trout are variable and best explained by the stream flows in the most recent 3-5 water years. Years with prolonged, high, spring flows produce banner year classes of trout that can benefit fisheries for years to come, while prolonged periods of drought and low flows often cause declines in trout populations.
- The Department maintains population management objectives for most popular trout streams and rivers. Objectives are targeted at measureable characteristics of the fish population indicating a robust population. The majority of Wyoming rivers are at or above objective in any given year with no apparent trends suggesting angler-induced impacts.

### **Estimate of Current Fishing Outfitter and Guides:**

The following is an estimate of the current number of fishing outfitters and guides operating in the State of Wyoming at this time. Some big game outfitters and guides offer fishing trips at this time. These operators would be required to purchase a license to operate these trips, if legislation passes which would require licensing of fishing outfitters and guides.

Fishing Outfitters: 175

Fishing Guides: 1,100

Big Game Outfitters: 156

Big Game Guides: 586

### **Potential Agency Impacts:**

If legislation was enacted similar to what was written in the 2019 draft legislation HB 276 directing the licensure and oversight of fishing outfitter and guides, the following are some potential fiscal and operational impacts:

- Oversight would require development, implementation, and enforcement of licensing and regulating fishing outfitter and guide services.
- A program would require additional personnel to accept, review, evaluate, and approve or deny all fishing outfitter and guide applications as well as collect revenue. Personnel may be required to monitor commercially guided fishing trips for licensing compliance as well as investigate all complaints received and conduct hearings as necessary.
- Each major drainage area over which the Wyoming Game and Fish Commission (Commission) has jurisdiction would be surveyed annually to determine the percent of commercially guided fishing boats to the total number of watercraft per stretch of river. Personnel would set up data gathering camera equipment on multiple stretches of river and review, analyze, and document the data collected.

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- If the Commission determines that daily launch limits of commercially guided fishing boats warrants limitation, public meetings would be held and public comment gathered. Personnel would be required to monitor the waters with limitations to enforce rules and regulations.
- Information technology programming will be required to create a new fishing outfitters and guides application and licensing system, as well as a daily launch permit application system with a secondary customer table specific to outfitters and guides for the allocation of launch permits for impacted stretches of rivers.
- In order to effectively administer a licensing and oversight program within the Department, it is estimated that six additional employees would be required. One program administrator, one lead investigator, and four Game Wardens. Personnel costs are estimated at \$644,694 per year. Support services costs for supplies and equipment would also be required. Total program cost for the first year is estimated at \$937,041.18. Program costs in subsequent years is estimated at \$694,753.88 (see attachment D, Fiscal Impact for additional information).
- Estimated revenue based on required fees suggested in 2019 HB 276 and estimated applicants would be \$449,195 per year.