



Board of County Commissioners - Staff Report

Meeting Date: 2/6/18

Presenter: Steve Ashworth

Submitting Dept: Parks and Recreation

**Subject: Snake River Management Plan 2018 Adoption,
Revision #2**

Statement / Purpose:

The purpose of the agenda item is to review and approve the updated Snake River Management Plan and initiate a three (3) year management term. The staff report reflects updates and changes from the 1/16/18 report.

Background / Description (Pros & Cons):

Prior to 2014 public access to the Snake River in Teton County was primarily several orphan BLM parcels. The primary access to the river was Wilson Boat Ramp, and the primary take-out was Von Gontard's Landing. These two facilities served both the general public, as well as an ever growing commercial outfitting industry.

In 2010, through the leadership and support of the Snake River Fund, Teton County residents approved a special purpose excise tax in the amount of \$1,000,000 to complete planning, permitting, design, and if funding remained, capital improvements on the existing BLM parcels. Additionally, these funds were provided to assist in the transfer of BLM parcels to Teton county through the Recreation and Public Purpose Act.

In 2011, Teton County began work on the above objectives. As part of the comprehensive BLM and river system planning, Teton County began reviewing and analyzing both the public and commercial use of the river corridor. In addition to the County's efforts, the commercial outfitting community also recognized a need for more deliberate management of the resource, and began their own planning effort. On October 8, 2012 a coalition of 12 outfitters submitted a report and draft management plan to Teton County for consideration.

In 2014, Teton County enlisted the services of Confluence Research and Consulting to evaluate community recommendations, and work with staff and the broader public to develop a sustainable Snake River corridor management plan that continued to provide quality river recreation opportunities while being respectful and compatible to the natural resource. To understand the natural resource conditions, current impacts and the evaluation of future use, Teton County completed aquatic, vegetative and wildlife resource inventories for all public parcels along the corridor. In addition, Teton County worked closely with our public agency partners (USFS, WY Game and Fish, BLM, NPS), local non-profits partners and the public to ensure the priority of resource stewardship in any management plan solution. The results of analysis indicated that the current resource conditions were in great shape with sustainable fish counts, intact wildlife habitat and migration corridors and healthy vegetative cover. As a result, the recommendations for public use and river capacity were to maintain the average high-levels today, but cap growth.

In 2015 The BCC adopted a comprehensive river management plan to be administered by the parks and recreation department. The plan as adopted called for three years of active and adaptive management, and at the conclusion of the third year, the plan should be refined in order to provide a more consistent and predictable program for the future. Staff has worked with the community and board to provide annual reports each of the last two years to identify challenges and opportunities to better implement the plan to meet the original goals. Additionally, Teton county has



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continued to work with our partners in evaluating the natural resource conditions of the corridor. These evaluations indicate that the fisheries, upland habitat and vegetation continue to thrive.

To move ahead, the department has contracted with Confluence Research and Consulting, the original author of the plan, to address opportunities for improvement. It is important to note that the purpose of this item is to not re-author the original plan, but merely improve in key areas that have impacted the spirit and original goals of the program. Additionally, staff is looking at administrative changes to the plan to allow greater success by the department within a sustainable model due to cost and staffing availability.

The objectives of the adopted plan are:

- Provide diversity of high quality river recreation opportunities;
- Develop appropriate facilities to provide for recreation use on the river;
- Ensure that recreation development is consistent with the river's natural setting, scenery, and recreation opportunities;
- Establish capacities that protect high quality recreation opportunities;
- Minimize conflicts between different types of recreation uses;
- Minimize congestion and conflict at boat launches and other public use areas;
- Manage commercial use to provide diversity of high quality opportunities;
- Allocate commercial use fairly and within capacities to provide trip diversity, competition, new entries, and to maintain public resource values;
- Develop a patrol/enforcement presence that protects resource values, enhances river stewardship, and promotes public safety;
- Develop a fee program to help support management of the Snake River in Jackson Hole;
- Maintain a positive relationship with private land owners and seek collaborative ways to meet the interests of landowners and river users;
- Work cooperatively with local, county, state and federal agencies to support their programs and achieve this plans objectives.

To meet the plan objectives, the plan focused on five main management tools to be implemented: daily capacities; outfitter certification; large trip management; allocations; and compliance. Over the last three years staff has worked with the public, outfitter community and the BCC to make minor modifications to each tool. As we move forward, staff and the consultant team are looking to finalize improvements within these management tools to ensure a more sustainable and successful plan.

Stakeholder Analysis & Involvement:

The department has conducted two public open houses and an online survey to solicit public input. Additionally, the parks and recreation board has taken public comment on December 5, 2017, and provided a recommendation to the BCC on January 11, 2018.



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Fiscal Impact:

As directed by the Board of County Commissioners, the recommendations within the program aim to balance revenues and expenses. Support programs offered through the plan are set at 125% cost recovery, and the outfitter fees are based upon a calculation to cover all operational expenses and a contribution of 50% of the amortized asset value to support long-term repair and maintenance needs.

Staff Impact:

To successfully administer the plan, staff is requesting the addition of one (1) full-time employee. The cost of this employee, inclusive of all direct and indirect cost have been accommodated in the program revenue plan. The full-time position will also assist with outfitter and community programs consistent with the river recreation discipline. The program will continue to utilize a minimum of two (2) summer seasonal river monitors.

Legal Review:

Keith Gingery

Staff Input / Recommendation:

The following recommendations are the results of the last three years program analysis, input from our consultant team, public input, and the direction of the Board of County Commissioners on January 16, 2018. Throughout the recommendations, adjustments have been made to address outfitter and community concerns, and the most notable alteration is moving back to a daily allocation system. This most closely reflects the current plan status.

Capacities- *(Goal: Eliminate busiest days; stabilize at recent year average highs; protect experiences; don't exceed capacities)*

[Active regulation]

- Wilson to South Park Landing- Scenic (45 daily) Fishing (25 daily) Small boat (20)
Maximum boats per day per outfitter Scenic (7 daily), 15.6% Fishing (4 daily), 16%
Note: no over books days will be permitted.

[Advisory capacity for three (3) years, the following (3) years mandatory regulation based upon (3) year average]

- Moose to Wilson- Scenic (10 daily) Fishing (25 daily)
- South Park Landing to Downstream- Scenic (10 daily) Fishing (25 daily)

Certified Outfitter- *(Goal: diverse outfitter services; allow new/smaller outfitters to compete; 15% rule)*

To be considered a certified outfitter and be eligible for access to allocations and pool system, the outfitter must meet the following criteria:

- Complete application for certification must be submitted between December 1st and March 1st of the upcoming season. Access to the registration system shall not occur until certification approval.
- Outfitter must maintain and utilize an independent reservation system;
- Outfitter must maintain and utilize separate and independent web page, marketing materials, and associated documents;
- Outfitter must provide separate and unique certificates of liability and worker's compensation insurance when applicable;



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- Outfitter must provide proof of independent company registration with the Wyoming Secretary of State.
- If a client purchases a trip from Company A, then the client must be transported on Company A shuttles and float on company A equipment with Company A employees.
- Companies must not move clients from one company's boat to another company's boat on county facilities. It should be determined at the time clients purchase a trip whether the group is capable of running the trip as a group or not and if the configuration of clients in a singular company's boat is suitable for the river trip.
- Guides should have a primary company of employment. A guide can work for two companies, but should not be routinely swapped between companies during the course of one day.
- Company equipment, including buses, vans, shuttle rigs, boats, etc. may not be shared between companies unless specific authorization has been granted from the County. Such authorization shall only be for special circumstances and not be made as part of routine operations. All equipment must be clearly marked with the company name. Equipment shall not be shared and cannot be marked with two or more company names.

(Note: Bridger Teton National Forest Rules: for reference only)

PARAMETERS ON SOLE OWNERSHIP OF MULTIPLE CORPORATE ENTITIES OWNING RIVER OPERATIONS:

1. *If a client purchases a trip from Company A, then the client must be transported on Company A shuttles and float on Company A equipment & employees unless they are clearly informed about the rebooking at time of purchase. Alternatively, if the client purchases a trip from **Company B**, he/she must be transported on **Company B** shuttles and float with **Company B** equipment & employees. We do check this periodically.*
2. *Companies must not move clients from one company's boat to another company's boat on forest. It should be determined at the time clients purchase a trip whether the group is capable of running the trip as a group or not and if the configuration of clients in a singular company's boats is suitable for the river trip.*
3. *If one company requests and is approved an overbook day, the other company cannot launch additional boats transporting members of the overbook group. A minimum of 15 minutes separation between the two companies should be maintained from the launch, throughout the float, and during takeout to reduce crowding & conflict, and create a better experience for all river users.*
4. *Guides should have a primary company of employment. A guide can work for both companies, but should generally not be swapping companies during the course of one day. We understand there are times where guides might switch employment during the day for specific reasons, but it should only happen rarely and be clearly documented.*
5. *Company equipment, including buses, shuttle rigs, boats, etc. may not be shared between companies unless specific authorization from the Forest Service permit administrator is granted. All equipment must be clearly marked with the company name it is attached to, and putting both company names on gear is not in the spirit of running two separate independent companies.*
6. ***COMPANY B** and **COMPANY A** should not be occupying Forest Service ramps at the same time nor traveling together as a group on the river. Launch times in trip itineraries will be left up to the permittees to propose, but if problems begin arising due to the two companies launching, floating, and taking out together, the launch times will be regulated for the two companies by the Forest Service.*
7. *All company accounting, labor, marketing and transportation records for on-forest use must clearly show clear separation between companies.*
8. *All contracts for ancillary serves as defined by the 2008 national outfitter policy must be submitted to this office and approved prior to operation.)*

Allocations-

- Maintain existing program as a daily allocation and pool system.
- Pre-season allocations are only eligible for a 2 ½ month period starting the June 16th and ending on August 31st for scenic, and starting July 1st and ending September 15th for fishing. All other weeks are pool system only.



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- Daily allocation availability is based upon an outfitters' 2 ½ month average for the last three (3) years for 2018. Future terms allocation will be based on an outfitter's 2 ½ month average from the previous term, for Wilson to South Park section.
- All allocated boats are available to purchase at the time of annual certification for eligible companies. Companies may purchase all or a portion of their eligible boats on a daily basis for the 2 ½ month term. Allocated boats not purchased return to the pool system for the remainder of the season.
- Pool boats are point of sale. Pool boats will be available January 15th for the upcoming season. Registration of a pool boat is contingent upon certification.
- Allocated and pool boats must be registered prior to launch.
- Pool boats shall equal a minimum 50% of total daily capacity.
- Refunds are available for allocated and registered pool boats upon placement back into the pool system by 12:00 AM, 48 hours prior to launch date. Refunds for boats will be made three (3) times a year for boats placed into the pool system.

Transfer of Allocations-

- During the three (3) year term, if a company is sold, the purchased allocation associated with a company can only be transferred for the remainder of the remaining season. The following season's allocations for that outfitter will be returned to the pool. The outfitter must rely completely on the pool system through the remainder of the 3-year term. For the next three (3) year term, that outfitter will be eligible for allocations based upon their 2 ½ month average for each year of operation but inclusive of the whole three (3) year term.

Large Groups-

- Large groups shall only launch between 8:30AM to 9:15AM, 10:30AM to 11:15AM, and after 12:30PM. Large groups are trips with four (4) or five (5) boats for scenic and four (4) boats for fishing.
- Each outfitter is only allowed one large group per day.
- A trip is considered a large group when one client is shared between multiple companies and the trip exceeds three (3) boats.
- In order to not be considered a large group, shared clients or individual outfitter trips that are three (3) boats or less shall have a minimum of fifteen (15) minute separation between the occupying of ramps, launch, throughout the float and during take-out.

Fees- *(Goal: Fees shall be set to cover the administration of the program, inclusive of 50% of the capital repair and replacement fund)*

- All fees for both scenic and fishing shall be \$28/boat utilizing both a County put-in and take-out
- All fees for both scenic and fishing shall be \$18/boat utilizing one County put-in or take-out
- Private put-ins or take-outs must be registered with the County through proof of authorization from property owner annually at time of season certification.
- All publicly managed put-ins and take-outs are subject to capacities, registration and fees. This includes Von Gontard's Landing.
- Small boats utilizing either, or both county facilities shall be \$4/boat.



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- First year certification cost for every three (3) year term shall be \$350.
- Annual recertification cost for the remaining years of the three (3) year term shall be \$150 annually.

New Outfitters during the 3-year term-

- A maximum outfitter net growth of 10% per sector per three (3) year period.
- All new outfitters must rely solely on the pool system for boats.

Compliance/Enforcement-

- Failure to comply with any of the rules, regulations or policies of the program shall result in the following penalties:
 - First offense = written warning
 - Second offense = fine equal to 3x the individual boat fee/boat offense
 - Third offense = fine equal to 5x the individual boat fee/boat offense
 - Fourth offense = fine equal to 8x the individual boat fee/boat offense, and loss of certification for the following season.
- All penalties must be paid within seven (7) days of issuance to continue to run trips.

Boat and Vehicle Identification-

- Every commercial fishing and scenic boat on SRJH will be identified by a 3-digit number.
- Every fishing or scenic vehicle, van or bus on SRJH will be identified by a 3-digit number.
- ID numbers will be a minimum of 3" high or official USFS numbers, placed above the water line, of contrasting color and permanently displayed.
- Outfitters may not sell a boat without removing the numbers.
- Boats and vehicles are certified on an annual basis.
- TCJPR will provide boat and vehicle annual certification stickers.

Staffing-

Addition of one (1) full-time Programming employee to administer the plan and provide river system and recreational programming, as identified in the 2015 Snake River Management Plan.

Attachments:

Cost Accounting and Allocation/Pool Charts

Suggested Motion:

Move to approve the recommendations of staff for the Teton County Snake River Management Plan (2018), inclusive of a maximum number of boats per day per outfitter of 7 for Scenic and 4 for Fishing, and direct staff to initiate a three-year commercial outfitter certification and allocation program.

