

Getting to know Game and Fish

Boating Enforcement—Wildlife Division

By Ty Stockton
Editor

CHEYENNE—While you're out on the state's reservoirs this boating season, you might be approached by a watercraft enforcement officer who is enforcing the state's boating safety laws.

These officers have as much authority as sheriff's deputies and highway patrolmen. The only difference is that they work from a boat or a Jet Ski, rather than a Crown Victoria.

Watercraft enforcement officers may be game wardens, game wardens in training, or wildlife technicians. But no matter the officer's title, he or she has already completed training at the Wyoming Law Enforcement Academy. Before they hit the water, the officers also go through a sixty-hour inservice training that focuses on boating. Topics covered in the inservice include boating under the influence, watercraft safety equipment, boat handling techniques and accident investigation.

You may be met by an officer while you're on the water. To make sure that meeting is a positive one, have enough life jackets and other personal flotation devices on board for all your passengers. Depending on the size of your boat, you may also be required to have one or more fire extinguishers and current watercraft registration. Read your boating regulations carefully, and make sure you meet all the requirements.

The most common violations the officers write tickets for include not having enough life jackets, failure to keep fire extinguishers on board, careless or reckless behavior, and operating boats in restricted areas, such as swimming areas or near dams. Mike Choma, the Wyoming Game and Fish Department's wildlife law enforcement coordinator, says officers also have to remind people that children younger than sixteen years old are not allowed to operate motorboats when there are no adults aboard the boat with them.

Also be aware that boating under the influence of alcohol or other drugs is against the law. The watercraft enforcement officers will take you directly to jail if you're boating drunk.

Keep in mind that if you find yourself in jail on Saturday, you may have to wait until Monday to go before a judge.

In addition to checking boats to be sure the regulations are being met, Game and Fish officers may also be called on to help with search and rescue efforts or body recoveries.

County sheriff's departments generally coordinate search and rescue operations, but Choma says the watercraft enforcement personnel are often called in to help.

It's not just the state's reservoirs that are patrolled by the officers. You might meet them anywhere a boat can be put into the water. The officers have canoes, john-boats, and even personal watercraft, like Jet Skis, to patrol shallower waters and rivers.

So no matter where you choose to float your boat, make sure you play by the rules. Your chances of meeting a watercraft enforcement officer are good.

Do what you can to ensure that meeting is a positive one.

Clearing the Air on Water

Instream flow law reaches 20-year mark

Managers hope to see increase of filings in the next two decades

By Tom Annear
Instream flow supervisor

About the time you were taking another fat rainbow off your line on the Tongue River this summer or easing into a long stretch of the New Fork dimpled with the rises of a dozen hungry trout, the Game and Fish reached an historic milestone. We submitted the 100th instream flow application. It only took 20 years to reach this point—an average of five filings a year.

Along the way we've filed for streams in every corner of the state. The Clarks Fork of the Yellowstone that flows from Yellowstone National Park was the first filing. This wild river boasts vibrant populations of native cutthroat trout as well as other native fishes, like mountain whitefish that can test your line with the toughest trout. We've filed on portions of most of the Blue Ribbon waters in the state, too—streams like the Middle Fork Powder near Kaycee and the Salt River near Afton.

We've also filed on lots of streams you've probably never heard of. Streams like the Roaring Fork of the Little Snake in the Sierra Madres, Little Gilbert Creek in the Uinta foothills, and Marquette Creek near Cody, where we've filed for instream flow rights to protect base flows to maintain existing populations of native cutthroat trout.

The 100th filing was Rock Creek near Arlington—a sort of poster child for most filings we've made. The instream flow segment is entirely on public lands (forest service and state) and ends just above an existing irrigation diversion. There are no other diversions or uses of water within the instream flow segment. This is a popular stream that supports lots of rainbow trout and a few brown trout in the lower end of the segment. Brook trout are part of the mix farther upstream. The stream runs strong during snowmelt but still boasts a good flow and great fishing in late summer—it's an important public resource that's definitely worth protecting in its existing condition.

Looking back 20 years, we now have a good understanding of the claims and criticisms that were leveled by supporters and opponents of instream flow in the years leading up to passage of the instream flow law in 1986. For the most part, instream flow rights haven't put water back in any streams. The legal authority established by the law simply lets the state protect stream flow in streams when it's naturally available. It does this by recognizing that maintaining fish habitat is a valid, legal use of water—on par with most other uses of water.

Restoring water in streams, for example by changing another existing use to instream flow, is different than maintaining natural flow and has

proven difficult. In fact, it's only been attempted three times in 20 years—all unsuccessfully. To make restoring flows easier, while avoiding harm to other existing water rights, you'll need to change the law a little bit.

We know too that instream flow has not brought the demise of our state economy as some claimed. To the contrary, personal income in Wyoming increased 234 percent between 1986 and 2003—the latest year for which statistics are available (<http://eadiv.state.wy.us/i&c/Profile.htm>). Instream flow probably can't take much credit for the increase, but it definitely can't get blamed for holding anything back.

We also now know that instream flows don't have to come from storage (dams) as most opponents claim. In fact, of the 100 instream flow filings, only one is dependent on a dam to provide some of the needed water. All the other flows are provided by natural runoff. We don't need a dam to provide instream flow in the Greys River any more than we do on Tensleep Creek or any of the other 99 instream flow segments that get their water from natural runoff.

What's more, although some of the legislatively mandated public hearings have seen some heated exchanges, there hasn't been one instance where issuance of an instream flow right has harmed any other water right holder. Likewise, there hasn't been one filing that's been challenged in court. Once these rights are issued, there have been no complaints or controversy, and they're administered exactly like any other kind of water right. In brief, instream flow rights haven't caused any of the problems that opponents said they would.

The filings haven't accomplished everything that proponents had hoped for 20 years ago, but they have done some good. Of most importance, the state is now able to legally protect base flows for valuable sport and native fisheries in over 433 miles of streams in the state, including portions of most of the blue ribbon streams and many miles of streams containing native cutthroat trout. Still, in spite of all our hard work, we've secured instream flow rights on less than two percent of all the stream miles in the state.

The bottom line is that instream flows work for everybody. They don't cause problems for existing water users, and they help protect some of the most important stream fisheries in the state that benefit all of us in one way or another. We can do more to maintain and improve instream flows. The challenge of the next 20 years is for the various interests to work together to find ways to protect more stream fisheries without taking anything away from traditional uses of water.

One thing we've learned in the last two decades is that we can do this.

To get more information about instream flow, visit the Wyoming Game and Fish Department's Web site at <http://gf.state.wy.us/fish/instreamflow>