

MINUTES

Idaho Outfitters and Guides Board
Boise, Idaho

April 4, 1984

A special meeting was called by Chairman Glen Foster, as the Idaho Outfitters and Guides Board assembled at 1315 hours in the Waikiki room of the Holiday Inn, Boise, meeting with representatives of the Forest Service, Bureau of Land Management, and Idaho Department of Fish and Game.

Chairman Foster introduced those board members present: William R. Meiners and Harry W. Vaughn, and advised that two members, Robert L. Salter and Scott Farr had other meetings to attend which were in conflict with the time schedule of this meeting. Additionally, he advised that the minutes being taken would be mailed to all those present if their names, district representation and addresses were put on the sign-in sheet being circulated. The sign-in list follows as a part of these minutes.

New activities being proposed for commercial licensing were mentioned, e.g., mountain bicycling and para-sailing. It was also announced that the Bikecentennial Group activity on the Clearwater Forest had been referred to the Attorney General's office, with a decision made that their program would come under the Outfitters and Guides Act. Following their being advised of this decision, the Bikecentennial Group advised the Board that they would not include Idaho in their program this year and thus would not make application for a license.

Jim Moorhead, Salmon N.F., pointed out that Wilderness area use for any type of activity involving bicycles, motorized equipment, or hang-gliders is prohibited by USFS regulations. Dick Kodeski, BLM Shoshone District, asked about the Board's licensing of wind-surfing at Red Fish Lake, and Earl Kimball, Payette N.F., questioned cases of sailboat sales where instruction is included. The Chairman explained that the Board is aware of various activities going on that probably should come under the state law and that further legal research is being conducted on these types of activities.

Bob Boston, Clearwater Forest, asked about the licensing of institutions which have paid instructors. Board member Meiners explained that House Bill 668 which would have exempted church groups, non-profit organizations, and educational institutions had met with strong opposition and had been withdrawn. The Chairman further explained that many church groups are already exempt from the state law, where they are not commercial, do not involve competitive advertising, and are confined strictly to a membership. Foster also named several schools which are currently licensed. Frank McElwain, Region IV Recreation and Lands Staff representative, mentioned that some may require a special use-permit even though a state license is not required. The Chairman stated that he hoped for continued communication and cooperation between the State and the Agencies on these matters.

Proposed changes to the Idaho Outfitters and Guides Rules and Regulations are still in the hands of the Hearing Officer. The addition of power boating on the Payette River from Banks to Black Canyon Dam and the closing of the lower Salmon River during the steelhead season had both met with some opposition. James Keating, Idaho Department of Fish and Game Wildlife Chief, asked who would make the final decision on these matters, and the Chairman explained that the Board would receive the Hearing Officer's recommendations and then, within certain legal parameters, would make the final decision.

LuVerne Grussing, BLM, Cottonwood, suggested that the input on the proposed rules change on the lower Salmon during steelhead season would probably have been substantially more negative if removal of all controls had been proposed. Ted Anderson, Middle Fork F.S., mentioned the fishing impact by private use with the steelhead return, and questioned what was proposed on the upper Salmon River. The Chairman explained the Board's decision to freeze steelhead licensing on the upper Salmon until the Fish and Game Department's impact study could be assessed.

The Chairman mentioned recent legislation affecting the following changes to the Outfitters and Guides Act: 1. fees will only be collected on new applications if favorable action is taken thereon by the Board; 2. failure to serve the public will now become grounds for revocation or suspension of licensed activities or areas. This failure to serve must first be defined through the rule making process, however. Comments from the floor on non-use were taken at this time. Rick Colvin, Salmon BLM, mentioned that 30 or more outfitters hold licenses on the river section above North Fork but many are not used. Anderson mentioned that some outfitters licensed on the Middle Fork do not have permits. Lochsa Ranger Jon Bledsoe mentioned that several hunting outfitters hold large areas but use only certain portions year after year. The Chairman explained the Board's past action of removing certain rivers from licenses for non-use two consecutive years or more, but that the new law will eventually enable the Board to define non-use better and be more consistent in applying it to the licensing process.

Boston mentioned that additional enforcement was needed in order to curb the illegal activity of private clubs. He said they had three on their forest this past season. McElwain suggested that these clubs do not "serve the public at large" but that permits are issued in some instances, and that the Agencies should get together to establish more effective management.

Following the discussion on non-use, Foster continued the review of legislative changes: 3. The provision for civil penalties has been inserted into the Act and the fine minimum has been lowered to \$100 for more effective processing of cases through the courts.

Chairman Foster then explained the Board's decision to avoid the "stacking" of bear and/or cougar outfitters as suggested by Fish and Game for game management. Boston responded that they concur, as it allows a better handle on the resource.

Board member Bob Salter joined the meeting at 1350 hours.

The Board's sheep hunting policy was reviewed. The Board allows a successful drawer of a sheep permit to be guided by an outfitter of his choice regardless of whether the outfitter is licensed in that area, provided that 3 steps are taken by the selected outfitter: 1. that the outfitter get advance approval for the hunt from the Board, 2. that the outfitter also get advance Forest Service or BLM approval, and 3. that the outfitter whose area is utilized be properly notified. Bob Abbott, Slate Creek District, mentioned a possible objection from the area outfitter, and Foster agreed that this has come up. North Fork District Ranger, Dick Bacon also brought up safety of clients being guided in an unfamiliar area. Foster explained the Board has been concerned about safety and that maybe sheep hunting areas should be divided into regions or sections similar to the Lemhi/Custer bear and/or cougar combination hunting areas, or that possibly outfitters should be pooled in areas with similar terrain. Bledsoe asked what kind of response has been received by the Board from the outfitters. The Chairman said that it has been a policy for many years, but only lately has any problem come to the attention of the Board.

Concerns were discussed relative to back-country air charter services offering outfitter services by supplying equipment in their drop-offs in remote areas; also jet boat transportation into back country areas was discussed. Several persons mentioned various areas in which this is happening and feel it is outfitting, the same as drop camps. Frank McElwain said these drop-offs appear to be outfitting and would require a permit, but that the F.S. shies away from most activities deemed to be only transportation. Anderson mentioned private-land airstrip drop-offs and McElwain agreed this probably could not be construed to be outfitting unless guiding occurs from there. The Chairman read rule number 33 explaining jet boat drops of hunters in areas where they are not licensed, and that some outfitters are protesting that this is only transportation. Bacon brought up that their regulations allow some transportation activity without requiring a permit. He suggested that this may be causing some problem to the licensing board. Jack Griswold, Boise N.F., suggested a definition of transportation as outfitting when equipment is provided. Boston suggested a possible tie-in with advertising. The Chairman agreed that advertising would maybe bring it under the Outfitters and Guides Act and suggested that the Agencies work together on this problem.

Foster explained that outfitter complaints are confidential to the Board unless a formal hearing is held. This is the reason the Board cannot furnish copies to the land managers as requested. But the Board's attorney is doing research on this matter, and the Board would cooperate within legal parameters to assist in enforcement work. Barry Hicks, Nezperce N.F., and Bob Abbott explained the land manager's need of particular information on new outfitters or outfitters who are seeking to expand their operations, or problem cases. Following Moorhead's suggestion that a general summary might be given, the Chairman agreed that the nature and timing of the complaint maybe could be supplied, and that probably the confidentiality would not apply on criminal cases, in response to Bacon's inquiry. Andy Fenn, Payette N.F., asked about the application of the Freedom of Information Act. Meiners explained that the majority of the complaints are outfitter-client related and would seldom involve land management.

George Weiskircher, Boise BLM, distributed copies of their new Policy, mentioning that it was published in the Federal Register on February 10th, but regulations were still yet to come. He further mentioned the BLM districts' recent in-state workshop with the three districts working to implement their new Policy, but that they are still sorting out day to day problems, and that there is room for different interpretations in the two Policies. Frank McElwain mentioned he would try to highlight areas in the Policy which applied to State law, and that some of it will come out in the work being done on the Memorandum of Understanding. Chairman Foster mentioned the State's feeling that it should be definitely involved in establishing the criteria for the annual review or performance evaluation. McElwain suggested the state licensing board would be consulted and probably the previously mentioned "working between the Agencies" on assessing complaints will apply, but that everybody every year will not be evaluated, only those with a number of complaints or regulation non-compliance.

LuVerne Grussing mentioned that it was brought out in BLM's workshop that if the new applicant has met the State's requirements and has been issued a license, that this was sufficient for issuance of the initial permit.

Jim Moorhead mentioned that the Forest Service has set up a committee to get the Regions coordinated on the proposed evaluation criteria.

Foster mentioned the State is distressed with the great deal of disparity from one end of the State to the other on the way Forest Service Policy is applied. Jim Moorhead advised he is located on the border between two of the Regions and knows there are problems. Bacon mentioned he feels the new regulations will effect more consistent policy. McElwain suggested that the Board contact Jim Dolan, his counterpart in Region I, with any specific problem. Foster mentioned the Board's consideration of establishing a liaison meeting between the Regions' managers and the licensing board. Region VI, representing the Hell's Canyon area, should also be included, was mentioned by Abbott.

Keating explained the Idaho Department of Fish and Game's effort to better themselves in getting replies back to the Board on resource inquiries. That they were trying to speed up replies by eliminating the "middleman", and that letters should be directed to the Bureau of Wildlife, with copies to Regional Supervisors.

Meiners explained his work on new maps showing outfitter descriptions on overlays, with differing colors for identification of activities. Interest was expressed in copying the completed maps by both the Forest Service and Bureau of Land Management district land managers. Moorhead suggested close coordination on establishing new areas or changes. Foster agreed that it should be a cooperative venture.

McElwain mentioned that the Outfitter Policy and State law, as explained earlier, will dovetail on failure to serve the public and areas not being used. Foster agreed that it looks as though the Agencies were both moving in the same direction.

The Chairman mentioned the Idaho Outfitters and Guides Association's MOU on enforcement and suggested comments would be appreciated. Keating offered that a good name was needed for the Outfitters and Guides Association and Board's reward for information leading to a conviction on illegal activities, similar to the Department's CAP (Citizens Against Poaching) reward system. Foster then mentioned the Agencies getting together again on the Permit and Licensing MOU. Jack Griswold mentioned that the Forest Service committee has been working up their suggestions but would leave it up to Andy Fenn to get hold of Dave Poncin and Bob Boston, and to advise the Board of a date for another meeting.

Grussing mentioned the Oregon Marine Board requirement of registration of all boaters using the lower Salmon which includes approximately 6 miles along the Snake River, and that the two states should get together to work out a cooperative agreement. Foster responded that the Board appreciated the suggestion, and explained the high differential in fees being imposed this year on those outfitters using the lower Salmon and Snake Rivers, because of Oregon's new registration law.

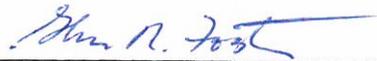
Boston mentioned that the federal land managers have found that many areas could have their descriptions revised into more workable outfitter businesses, that many areas are locked up and unusable. He further mentioned the problem of smaller areas now having to be evaluated by the Forest Service. Meiners explained that the map work he is doing is not a revision of areas, although some adjustments have been made, but that if the land managers are having problems they submit their suggestions to the Board following their Evaluation Assessment on any new areas being proposed.

Keating mentioned that Fish and Game unit boundaries are changed from time to time if unit reference is being incorporated into the area descriptions. Meiners advised he finds the federal agencies move boundaries also.

Bacon brought up previous agreements made between the Agencies on area boundaries and the non-transfer of certain areas. Foster responded that these agreements are known to have been made, but are hard to find sometimes in the outfitter files.

Hicks expressed his district's appreciation of the Board's enforcement efforts and especially for Al Lewis's work. McElwain asked about the State's lost case on Richard Cook and Abbott explained the Forest Service's case on Cook which is still pending. Boston asked about the Skull Creek Outfitters case status, and asked to be notified if Stover is considered for relicensing to the area.

The meeting was adjourned at 1500 hours following the Chairman expressing appreciation to each for their attendance and participation.



GLEN R. FOSTER, Chairman

ATTEST:



EDYTHE I. BLELE, Secretary

Sign-in Roster

Idaho Outfitters and Guides Board meeting
w/ Forest Service / BLM / Fish and Game
April 04, 1984

| Name | District Represented | Address |
|--------------------|------------------------------------------|-----------------------------------|
| 1- BARRY Hales | MOOSE CR. R.D. NEZ PERCE NF | GRANVILLE |
| Rick Colvin | Salmon BLM | Box 430 Salmon 83467 |
| Oil Kodaki | Shoshone BLM | Box 20, Shoshone, ID 83352 |
| Steve Langenstein | Shoshone BLM | " " |
| George Kerschinger | Boise BLM | 3380 American Terr. Boise 83706 |
| Chuck Jones | CASCADE R.D. BOISE N.F. | CASCADE, ID 83611 |
| Bob Entwistle | Boise Nat. Forest | Boise Ida |
| Howard Hubbeler | Forest Service Regional office | Ogden, UT |
| Dennis Martin | Boise National Forest | Boise, ID |
| Wally Meyer | Boise Dist. BLM | Boise, ID |
| Ted L. Anderson | Challis DIST. 1 Forest | Challis, ID 83226 |
| Ron Wardleigh | Challis N.F. | P.O. Box 404 Challis ID |
| Bob HUNG | SAWTOOTH N.F. | Twin Falls, ID |
| William W. James | Blanchet, ID 83258 | Box 9900 |
| Mose Shrum | Sawtooth National Recreation Area | Ketchikan, Id. |
| Don Bladson | Lochsa R.D., CLARKWATER NF | Kootenai, ID |
| Bob Boston | Clarkwater NF | Orofino, ID 83544 |
| JACK L. BRISWOLD | BOISE NF - US DAPS | BOISE - 83700 |
| FRANK McELWAIN | F.S. REGIONAL OFFICE | OGDEN UT |
| Jim Wiley | F.S. Salmon NF | North Fork Idaho ⁸³⁴⁶⁶ |
| Pick Bacon | F.S. Salmon N.F. | North Fork Id. |
| EARL Kimball | Payette Nat. Forest | Krassel R.D. |
| DAVID Bull | Payette Nat'l Forest | Krassel R.D. |
| James Keating | Idaho Fish & Game | Boise |
| JIM MOORHEAD | SALMON N.F. P.O. Box 729 | SALMON |
| Bob Abbott | Salmon River Ranger Dist. HCOI Box 70 | White Bird, ID |
| Andy Finn | Payette Nat. Forest | McCall, Idaho |
| Pete Walker | " " " | " " |
| Tronnie Loseke | " " " | " " |
| Lullanae Arnesing | BLM, Cottonwood | Cottonwood, ID |

INCOME -- EXPENSES

| INCOME: | | FY | JULY | AUGUST | SEPT. | OCT. | NOV. | DEC. | JAN. | FEB. | MARCH | APRIL | MAY | JUNE | TOTAL INCOME |
|---------------------|------|-----------|-----------|----------|----------|----------|----------|----------|----------|------------------------------------|-----------|-----------|-----------|--------------|---------------------------------|
| Beginning Balance | YEAR | | | | | | | | | | | | | | |
| 7/1/82) \$60,384.99 | 1983 | 7235.00 | 4465.00 | 9632.45 | 3282.11 | 1940.03 | 2281.00 | 2044.50 | 9215.00 | 23,582.12 | 25048.00 | 9429.25 | 14013.76 | | \$112,168.22 |
| 7/1/83) \$47,602.28 | 1984 | 8035.00 | 8019.00 | 14357.50 | 4004.00 | 810.00 | 2361.66 | 10212.83 | 10762.00 | 43,160.00 | 29,389.00 | 22,511.00 | 17,330.01 | | \$170,952.00 |
| Month Ending Bal. | 1983 | 53,065.19 | 48,658.94 | 5979.96 | 36939.25 | 27106.50 | 17211.87 | 9330.19 | 11726.23 | 26213.32 | 42650.79 | 41747.12 | 47602.28 | | \$ 41,109.57 |
| | 1984 | 41,109.57 | 36,833.65 | 3285.07 | 35048.23 | 25794.52 | 16104.15 | 17240.94 | 9121.57 | 52,609.42 | 59410.98 | 81,287.83 | 83,270.41 | | \$ 83,270.41 |
| EXPENSE: | | YEAR | JULY | AUGUST | SEPT. | OCT. | NOV. | DEC. | JAN. | FEB. | MARCH | APR. | MAY | JUNE | TOTAL EXPENSE |
| Enforcement | 1983 | 4,101.92 | 3,249.54 | 8530.90 | 5593.11 | 5541.52 | 1946.20 | 979.44 | --- | 1117.83 | 1498.15 | 1875.30 | 2367.37 | | \$ 31,801.28 |
| | 1984 | 2,969.93 | 1,613.87 | 1374.94 | 2179.95 | 2964.90 | 1145.96 | 1409.25 | 1,074.59 | 1440.19 | 1418.95 | 1,403.14 | 3,081.28 | | \$ 22,076.95 |
| Office | 1983 | 6,071.90 | 3,901.80 | 3917.45 | 4013.25 | 3861.09 | 7048.58 | 5076.66 | 4048.06 | 3692.95 | 3705.77 | 5478.90 | 3508.91 | | \$ 54,325.32 |
| | 1984 | 5,462.38 | 3,777.21 | 3601.06 | 3910.43 | 3532.52 | 5265.19 | 4110.31 | 3,632.78 | 4184.20 | 3968.77 | 3,900.00 | 7,274.36 | | \$ 52,619.21 |
| Board | 1983 | 1,512.10 | 759.85 | 1611.70 | 1538.78 | 808.11 | 2566.36 | 1332.74 | 855.56 | 1926.85 | 2343.78 | 1984.04 | 1210.02 | | \$ 18,449.89 |
| | 1984 | 3,379.90 | 2,027.94 | 2087.61 | 1583.02 | 2324.39 | 3468.72 | 1140.67 | 1,986.74 | 2466.17 | 3657.16 | 2,303.85 | 2,679.92 | | \$ 29,106.09 |
| Legal | 1983 | 197.46 | 48.24 | 821.22 | 325.11 | 176.36 | 72.46 | 40.00 | 359.10 | 20.00 | --- | 144.00 | 44.00 | | \$ 2,247.95 |
| | 1984 | --- | --- | --- | 2636.00 | --- | 1979.14 | 290.00 | --- | 789.37 | 1759.28 | 1,128.25 | 259.92 | | \$ 8,841.96 |
| | | | | | | | | | | (31.88 legal notice warrant card.) | | | | | |
| Misc. | 1983 | 2,672.42 | 911.82 | 2430.16 | 852.57 | 1385.70 | 542.03 | 2497.34 | 1556.24 | 2337.40 | 1062.83 | 850.68 | 1028.30 | | \$ 18,127.49 |
| | 1984 | 2,715.50 | 3,580.94 | 842.47 | 1931.44 | 1241.90 | 193.02 | 2125.81 | 2187.26 | 792.22 | 1783.28 | 1,898.91 | 2,051.95 | | \$ 21,344.70 |
| TOTAL EXPENSE | 1983 | 14,554.80 | 8,871.25 | 12311.43 | 12322.82 | 11772.78 | 12175.63 | 9926.18 | 6818.96 | 9095.03 | 3610.53 | 10332.92 | 8158.60 | | \$124,950.93 |
| | 1984 | 14,527.71 | 10,999.96 | 7,906.08 | 12240.84 | 10063.71 | 12052.03 | 9076.04 | 8881.37 | 9,672.15 | 12587.44 | 10,634.15 | 15,347.43 | 3 payperiods | \$133,988.91 |
| | | | | | | | | | | | | | | | (Includes Cap. Outlay \$497.20) |