

MINUTES OF INTER-AGENCY MEETING

December 3, 1985
Maui Room - Holiday Inn - Boise, Idaho

A special meeting was called by Chairman Glen Foster of the Idaho Outfitters and Guides Board which assembled at 0800 in the Maui Room of the Holiday Inn in Boise, Idaho, with representatives of the U.S. Forest Service, the Bureau of Land Management, and the Idaho Department of Fish and Game in attendance. Those in attendance were asked to introduce themselves and to complete the sign-in sheet which is attached hereto and made a part of these minutes.

Following an introduction of the Board members and its secretary, Chairman Foster addressed the following matters of mutual concern:

MEMORANDUM OF UNDERSTANDING

Chairman Foster noted that the Board had received a duly signed and executed copy of the Memorandum of Understanding from the U.S. Forest Service and that a meeting will be held with Messrs. Frank McElwain and Jim Dolan to determine how to implement same.

Relative to the selection of licensees, it was the Board's position that pursuant to the provisions of the Outfitters and Guides Act it had the sole responsibility for the licensing of outfitters. However, it was noted that the land managing agencies had sole responsibility for issuing special use permits and that mutual understanding and cooperation is sought between the regulatory agencies. Various meetings will be held in an effort to accomplish cooperative efforts in the aforementioned selection process.

PROPOSED RULES PACKAGE

Copies of the Rules Package were distributed to those requesting same. Chairman Foster noted that a public hearing on this package was held on November 30, 1985, and that the Board was receiving comments through December 10, 1985. Jim Dolan indicated that most Forest Service personnel had this package for only a short time, complimented the Board on its efforts, and asked for an extension of time in submitting comments. Chairman Foster indicated that the Board would probably not render a final decision on the Rules Package before its January meeting and encouraged interested parties to submit written comments as soon as possible.

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Nonuse Rules 16, 22, & 23 - Chairman Foster indicated the Board is proposing that all outfitters submit an operating plan for Board approval and that outfitter use must meet or exceed 60% to preclude falling into a nonuse category. Wally Meyer asked about the Bruneau River which allows for 2 trips but an outfitter may only take 1 trip. The Chairman stated the Board would make provisions for such situations. Art Seamans asked how the Board was going to check the use levels of outfitters, and Jim Dolan wondered if use data collected by the Board would be available to other agencies. LuVerne Grussing noted that some agencies already have nonuse policies. Chairman Foster indicated the Board is coming in with higher standards for use so as not to conflict and/or duplicate existing policies of other agencies. Mr. Grussing further noted that outfitters may be required to complete forms requesting like information more than once. Frank McElwain stated that meetings with representatives of the U.S. Forest Service and the Board would afford the opportunity to work together to iron out such matters. Bob Boston expressed his agreement with same. LuVerne Grussing then complimented the Board for its efforts on this long-standing mutual concern and asked about past known nonuse by existing outfitters. Chairman Foster indicated that perhaps the wording in the proposed rule relative to the three year period would be changed to allow for same so that the Board would not have to wait three years before implementing provisions of the proposed nonuse rule, noting that immediate implementation was in fact the intention of the Board.

Effective Date - Frank McElwain asked when the new Rules would become effective. Chairman Foster acquainted those present with the provisions of the Administrative Procedures Act and indicated the Board would have all provisions met between mid-February and the end of March 1986.

Private Clubs - Chairman Foster indicated some individuals have been successfully circumventing the Outfitters and Guides Act. Therefore, the Board has attempted to strengthen its authority via proposed Rule 9.

Selection of Candidates from Consideration Lists - Chairman Foster reviewed the selection criteria as itemized in proposed Rule 28 and noted the Board is attempting to select the best and most qualified person, further noting that historically the Board has used "first in time, first in line". Jim Dolan indicated this was a good opportunity for the Board and U.S. Forest Service to work together on selection of candidates. Frank McElwain concurred and noted the similarities in criteria listed in proposed Rules 19 and 28.

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Agreements with Private Landowners - Tom Reinecker asked about those outfitters who hold agreements with private landowners. Chairman Foster expressed frustration on the part of the Board as to how to deal with same and would welcome suggestions regarding better access for the general public. LuVerne Grussing indicated the BLM has the same problem with public access and noted that outfitters holding such agreements with private landowners are having a negative effect on the public relations of the industry as a whole. Tom Reinecker also noted that some private landowners somehow have "longer seasons". Chairman Foster stated that some landowners like having an outfitter "manage" their lands. It was agreed that all regulatory agencies should work together on this matter. Wally Meyer suggested having agencies conduct a public education program regarding this matter.

New Areas - Bob Boston asked about new areas being opened up for commercial use. The Chairman referred him to proposed Rule 19.

Sale of Outfitting Operation - Fred Isbell asked about how the Board intends to handle the sale of outfitting businesses. Again, the Chairman referred to proposed Rule 19 noting the Board's responsibility lies in making sure the buyer is qualified as an outfitter. Art Seamans mentioned that the U.S. Forest Service does not recognize a permittee as permanent until he has established a three-year record and that a "temporary" permittee would not have priority rights. Chairman Foster stated the Outfitters and Guides Act does not read that way. Art Seamans then expressed concerns about speculation and Chairman Foster noted the Board shares these concerns but it does not want to close the door to legitimate sales of businesses. This was recognized to be a potential problem between the Board and the U.S. Forest Service.

River List - Chairman Foster noted that the Board is proposing the removal of closing dates on the Payette River and asked for comments relative to opening the South Fork of the Payette. Wally Meyer noted this stretch of river is safer than segments of other rivers which are already licenseable. Jerry Wilfong asked about the Board's rationale in segmenting rivers and indicated the Middle Fork to Banks stretch of the Payette seems to be too short a section and expressed concern over having 15 outfitters operating from Grandjean to Banks.

The Chairman also noted the proposed changes on the Salmon River relative to a "splash and giggle" boating season and a separate fishing boating season. Dave Wolf said the administration of this in the Salmon/Challis area would be a nightmare for the BLM and proposed that existing outfitters be given this privilege by amendment. Mr. Wolf also indicated the BLM is not comfortable with limiting the number of outfitters to 5 rather than 14. He

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wondered how much use was too much use and felt this is not a current nor potential problem relative to recreational and/or steelhead fishing. Tom Reinecker asked about limitations on the number of boats and expressed his concern that some limits must be imposed relative to same. Mr. Wolf then stated a main concern is getting rid of nonuse licensees so that active outfitters can be licensed from the waiting list. However, he further noted that selecting only 5 for steelhead fishing when the BLM currently has 9 permittees who are doing some fishing would pose a problem. Andy Finn noted that outfitters must be limited so that the private sector doesn't get upset. Monte Richards said the Department of Fish and Game has noted that steelhead fishing has become more and more popular and that some limits would have to be established.

Discussion on other river segments was as follows: Bob Martin noted that U.S. Forest Service records indicate there are 13 available slots from Iron Creek to North Fork on the Salmon River; that there are 7 licensees but only 2 are active. He suggested setting limits low and allowing in the rules for additional licensing when demand warrants additional need for commercial activity. Chairman Foster asked for comments regarding the Spring Bar to Hammer Creek section of the Salmon River. LuVerne Grussing indicated the BLM is opposed to its being opened for steelhead fishing activities. Monte Richards indicated a letter will be sent from the Department of Fish and Game expressing opposition to this proposal as well. LuVerne Grussing also noted that the number of power boat operators on the Lower Salmon should be reviewed and suggested that the Board consider "retiring" some of the slots not currently being used and not relicense all 23 because this is too many. Chairman Foster then asked that these and other comments be submitted in writing for the Board's consideration.

Coordination with Other Agencies - Jim Dolan noted that Rule 24 is the only place in the proposed rules package which addresses cooperation with other regulatory agencies. He wondered if the Board would consider having a "generic comment" regarding same included in the Scope noting the Board's intent to work with other agencies. Art Seamans expressed concern over possible exclusion of cooperation when dealing with other matters if such is not put under the Scope. Andy Finn indicated the MOU takes care of this, but Art Seamans noted that other agencies do not have an MOU with the Board. Frank McElwain concurred with the suggestion of a "generic comment" and also felt it should be in the front portion of the proposed rules package. Art Seamans further noted that the U.S. Forest Service is looking at the MOU as a "bridge" to a more cooperative relationship with the Board.

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OUTFITTER EVALUATIONS

Jim Dolan stated some work has been done in formulating a performance evaluation for outfitters and indicated a smaller group would get together with the Board to further discuss this issue. Chairman Foster noted this would be very productive and indicated that each forest seems to have a different interpretation of the MOU, management plans, etc.

Earl Kimball stated he would like to see outfitter areas that are vacated or become open evaluated as to whether they should be relicensed or opened to the general public, noting some concern in the South Fork and Yellowpine areas.

RECOGNITION AND EVALUATION OF OUTFITTER ACTIVITIES IN FOREST PLAN

Chairman Foster noted there needs to be improvement in the way outfitters are handled in the Forest Service plans specifically regarding concrete recognition of outfitting in such plans. Jo Moltzen stated the new Nezperce Forest Plan breaks outfitting out as an industry separate from recreation.

QUENTIN SELBY CASE

Chairman Foster asked those Forest Service representatives who are involved in this matter to meet with the Board following the conclusion of the Inter-Agency Meeting.

MISCELLANEOUS

Bear/Cougar Joint-Use Areas - Bob Entwistle asked about the status of such areas. Chairman Foster indicated the Board has not reached a resolution on the reduction of these areas but has received communication from the Idaho Department of Fish and Game on same.

Introductions - Andy Finn introduced Phil Jahn, the new District Ranger at Council; Ted Anderson introduced Gary Fullmer, the new Middle Fork Ranger; Rogers Thomas introduced himself as the new District Ranger at North Fork as did Jim Guest, the new District Ranger at Salmon.

Equipment Rentals - LuVerne Grussing noted the continuing problem with people who rent equipment, including a competent person to operate such equipment safely. He further noted that anyone who delivers rental equipment on federal lands can be permitted, but can only be permitted when licensed by the Board. Chairman Foster indicated a person who operates rental equipment and

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furnishes a guide for use of same would fall under the purview of the Outfitters and Guides Act and the Board would be very interested in names, addresses, etc. If a rental operator does not furnish delivery or pick-up service and does not furnish a "guide", he probably does not fall under the purview of the Act.

Enforcement - Art Seamans thanked the Board for its help and cooperation in dealing with illegal outfitters and commended the Board for the efforts of its undercover agents. Bill Meiners noted the Board now has 6 enforcement officers who have been effective in issuing 50-60 citations over the last 3 months. He thanked personnel of the U.S. Forest Service, the BLM, the Idaho Department of Fish and Game, and the U.S. Fish and Wildlife Service for their cooperation, but cautioned that there are "leaks" in the system. When asked who to contact, Mr. Meiners stated that since all enforcement officers are employed on an assignment basis only, persons having information relative to illegal activities should contact him. If, however, he is not available, they should contact Chairman Foster. He further advised that Walt Browne, Arlo Larsen, Lavon Loynd, and Tony Skoro were now employed by the Board as part-time enforcement officers and Art Seamans expressed a spirit of cooperation with these people. Bob Boston also expressed his appreciation and thanks for the good enforcement efforts made by the Board.

Chairman Foster thanked those in attendance for their attention and expressed the Board's appreciation for their input, noting the Board is diligently working on improving relations with all other agencies. The meeting adjourned at 0940 hours.



GLEN R. FOSTER, Chairman of the Board

ATTEST:



LINDA L. ELWOOD, Administrative Secretary

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<u>Name</u>	<u>Agency / Address</u>	
BOB ENTWISTLE	BOISE NAT. FOREST	1750 FRONT, BOISE
Wm GREG LANGFURBERG	" " "	BOISE RANGER DIST. BOISE
Jim App	POYETTE NF	MCCALL, ID.
Bob Boston	Clearwater NF	Orofino ID.
Bill Fenster	Nezperce NF	Kooskia, ID.
Mose Shrum	Sawtooth National Recreation Area	Ketchum, ID.
STEPHEN M. ROUSHDKO	TARBHEE N.F.	ST ANTHONY, IDA.
MAC MURDOCK	Tetou Basin District	Driggs, Id 83422
Jo Moltzen	Red River R.D.	Elk City, ID 83525
Fred Isbell	USFS Regional Office	3rd + Pine SW Portland OR 97203
Garry Oye	Nezperce N.F.	Kooskia, ID 83539
Chek VARNER	BITTERROOT N.F.	WEST FORK RD. DARBY, MT. 59829
Tom Keller	Clearwater N.F.	North Fork R.D. Orofin
Craig Cowie	Nez Perce NF.	ELK CITY, ID 83524
BOB CASTANEDA	NEZ PERCE N.F.	ELK CITY, ID 83524
JERRY BERRY	NEZ PERCE N.F.	Red River, ID 83521
George Welden	Nez Perce NF	Grangeville, ID 83840
Bill Fox	" "	Slate Creek R.D.
Al Lake	" "	" " "
LEM POPE	POYETTE NF	McKen, ID
Tom REINECKER	Ida. Dept Fish & Game	Boise
Bruce Bertwell	Id. Fish & Game	Boise
Monte Richards	Id. Dept. Fish & Game	Boise
KEN NORRIE	"	"
Ted J. Anderson	Middle Fork Dist. CN.F.	Challis, ID 83226
Jim Dolan	Northern Region - Missoula	PO Box 7669, Federal Bldg. Missoula 59807
Valerne Brunning	BLM - Cottonwood	Rte 2 Box 181 Cottonwood, ID

<u>Name</u>	<u>Agency / Address</u>
AVID WOLF	BLM PO Box 430 SALMON, ID 83467
Wally Meyer	Boise Dist BLM, 3948 Development Ave Boise 83705
FRANK McELWAIN	USFS - 324 25 th OGDEN UT 84401
Rogers THOMAS	USFS PO Box 780 North Fork, Id 83466
Gary Fullmer	USFS PO Box 404 Challis, ID 83226
MIKE KANIA	USFS " " " "
Al Deller	USFS P.O. Box 490 Enterprise, Ore. 97838
PHIL JAHN	USFS Council Ranger Dist. Council, ID
AL BECKER	USFS Box J New Meadows, ID 83654
FRANK ELDER	USFS Federal Building, 324 25 th St. Ogden, Ut. 84401
Art Seamans	U.S.F.S. Hell Canyon N.R.A., 3620 B Snake River Ave., Idaho ^{Idaho}
Andy FINN	U.S.F.S. Payette National Forest, P.O. 1026 McCall, Id 83431
Bill Gogsmar	USFS Salmon National Forest P.O. 729 Salmon 83466
Earl Kimball	" Payette N.F. Box 1026 McCall Id 83431
Bill McLaughlin	Dept. of Wildland Recreation Mgt. University of Idaho Moscow, ID. 83843
Jim Quest	USFS Box 729 Salmon N.F. Salmon, Id 83466
Bob Martin	USFS Route 1 Box 25 North Fork, Id. 83466
JOHN C. TWISS	Nezperce N.F. HCR 75 Box 91 B Kooskia, Id.