

MINUTES

IOGB INTER-AGENCY MEETING December 2, 1986

A special meeting was called by Chairman Bill Meiners of the Idaho Outfitters and Guides Board which assembled at 0800 hours in the Elkhorn 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. The sign-in sheet is attached hereto and made a part of these Minutes. Following an introduction of Board members and representatives present, the following matters were discussed:

Outfitters and Guides Act/Board Rules and Regulations

Chairman Meiners reviewed the Rules and Regulations which became effective March 1, 1986, and the amendments to the Outfitters and Guides Act which became effective July 1, 1986, noting that changes were proposed in both the Act and the Rules and Regulations.

Rule 22-Nonuse: Chairman Meiners noted that the Board has been reviewing river licensees, looking only at a reported use of zero for 2 of the last 3 years, and has taken away 30 licenses to-date. He further noted that 14 more hearings would be held this week. Additionally, 2 applicants were denied license renewal for big game hunting pursuant to the nonuse rule. However, 1 of these is currently under appeal in the courts. Chairman Meiners stated that the Board has not re-assigned any of these rivers/areas yet but will use the criteria as set forth in Rule 19 when it does.

Rule 30: Chairman Meiners reviewed the proposed changes to this rule noting that many people do not know the difference between an outfitter and a guide. Therefore, a statement will be placed on each guide license indicating that "This guide license valid ONLY when employed by a licensed outfitter and for those activities IDENTICAL to those licensed to the employing outfitter within the area(s) and/or river segment(s) for which the employing outfitter is licensed".

Rule 57: Chairman Meiners then addressed the proposed changes to the river list. Specifically: (1) Salmon River, Middle Fork from Dagger Falls to Indian Creek would read Salmon River, Middle Fork from Boundary Creek to Indian Creek; (2) Snake River, Other portions from Henry's Fork-South Fork confluence to Brownlee Dam would read Snake River, Other portions from Henry's Fork-South Fork confluence to Hells Canyon Dam; Salmon River-from Slate Creek to First Highway 93 Bridge above Challis (new section requested in a petition); and Salmon River-Iron Creek to North Fork, 10/1 to 4/30 having float limit raised from 8 to 10 (also a request via petition).

Art Seamans asked about the possible 43 licensees on the lower Salmon River and Chairman Meiners stated the Board had not addressed this issue and apologized for same. Bob Martin then asked about the Salmon River-Iron Creek to North Fork stretch and a possible break at Fourth of July Creek. Dave Wolf noted that any access point would be on private lands and that at one time the Fish and Game was going to get an easement and build a bot ramp.

MOU - Coordinating Guidelines - LAC

Chairman Meiners noted that the Coordinating Guidelines to the MOU have not been worked out as yet. He went on to say that the Board has had no input from the Forest Service relative to the 2-year survey period on outfitter evaluations. Frank McElwain advised that since the amendment to the MOU re: these coordinating guidelines had not been signed, no evaluations or feedback on same had been passed on.

Chairman Meiners stated that the concept of the LAC is good but wondered how it would be implemented, noting that it appears the Forest Service does not consider the outfitting industry in the planning process in the same vein as the logging, mining, etc. industries. Jim Arp noted that most of the useable big game areas are taken so a given area has probably already been assigned, but can see taking into consideration a particular outfitter's needs on a case-by-case basis. Bob Boston noted that servicing the handicapped would fall into this same type of consideration. Jim Dolan stated that the LAC should be put into place indicating that wilderness planning is the real heart of the matter. He further noted that there is increased participation by other agencies in such planning. Wally Meyer of the BLM stated they are presently working on wilderness studies and environmental statements but deal mostly with activity planning due to lack of money.

Chairman Meiners then reviewed the application process and appropriate research conducted by the Board before rendering a decision. Jim Dolan noted the guidelines address the "chicken/egg syndrome" on license applications.

ENFORCEMENT ACTIVITIES

Chairman Meiners then thanked all agencies for their cooperation and assistance in the Board's enforcement efforts, noting that we have 7 part-time enforcement officers. He further noted that, for the most part, undercover work is the most effective. However, each county prosecutor reacts differently to the Outfitters and Guides Act and jury trials are totally unpredictable. Clint Groll stated the Forest Service has funding problems with enforcement work.

FISH AND GAME CONCERNS

Chairman Meiners asked representatives of the Idaho Department of Fish and Game about steelhead fishing. Ken Norrie reported the agency's reluctance in stating whether or not there is a need for additional outfitted services. Tom Reinecker mentioned that the general public is now camping on the "good" fishing holes which indicates that good is not necessarily better.

Sandra Morris, a licensed charter fishing boat operator, asked if there would be a limit to the number of boats that would be allowed on Lake Pend Oreille at any one time. Chairman Meiners responded by noting that the Board has received no additional information from the charter fishing boat operators since the meeting at Coeur d'Alene in which, he understood, this and other matters such as outfitter/guide qualifications, boat size, etc. were to be addressed, and therefore again invites their recommendations as well as those of the Fish and Game Department.

POWER BOATS

LuVerne Grussing asked about the Board's definition of power boats, specifically asking if a float boat with a 10HP motor for downstream steerage which was used for upstream steerage was acceptable. Art Seamans noted that the Forest Service determines its definition of float vs. power by whether or not the boat can run upstream negotiating Class 2 or Class 3 rapids. Chairman Meiners asked for written ideas/suggestions from those concerned and interested persons.

Chairman Meiners thanks everyone for their attendance and attention. The meeting adjourned at 0935 hours.



WILLIAM R. MEINERS, CHAIRMAN OF THE BOARD

ATTEST:



LINDA L. ELWOOD, ADMINISTRATIVE SECRETARY

Sign-In Sheet

Inter-Agency Meeting - Dec. 2, 1986

<u>Name</u>		<u>Agency & address</u>
x W. Wayne Patton	FS	- 1750 Front St., Boise, 83704
x EARL KIRKALL	"	- KRASSEL RD PAYETTE NF - McCall
x Clem Pope	FS	- PAYETTE AF, KRASSEL RD
x GENE BENEDICT	USFS	- PAYETTE N.F., F.S. BLDG., McCall, ID.
x Bob Abbott	USFS	- HCOI Box 70, White Bird, ID 83554
x Bob Martin	USFS	North Fork RD. Box 780 North Fork, ID 83466
x Glenn Tross	USFS	SEWARD RD, HCR 75 Box 91, KROOKIA ID 83539
x FRANK McELWAIN	FS	REG. OFFICE OGDEN, UT.
x Mac Murdock	FS	Box 127 Driggs, ID 83422
x Craig Cowie	USFS	Box 416 Elk City, ID 83525
x JERRY DOMBROUSKE	USFS	Red River R.D. Box 23 Red River RT., ELK CITY, 83525
x Peter Deane	USFS	Powell R.S., Lolo, MT., 59847
x Jim Norwood	USFS	POWELL R.S. Colo mt, 59847
x LAIKE KANIA	USFS	CHALLIS N.F. BOX 404, CHALLIS, 83226
x Craig Woods	USFS	" " Mackay 83251
x AL BECKER	FS	Payette N.F. P.O. Box 5 New Meadows, ID
x Jim App	FS	PAYETTE NF PO 1026 McCall ⁸³⁶⁵⁴ 83638
x Kay Schiepan	USFS	BOISE NF, 1750 Front St., Boise 83702
Bob Entwistle	"	" " " " " " " "
x Bob Boston	USFS	Clearwater National Forest, Orofino, ID 83544
x Dennis Dailey	USFS	Moose Cr. Ranger District, Box 464, Grangeville ID 83530
x STEPHEN TOSHEN	USFS	TADWEE N.F. 460 N BRIDGE ST. ^{ST. ANTHONY} IDA.
x Ren Dickemore	USFS	PALISADES Ranger Dist. Box 298B, Id. Falls, 83401
x Jim Dolan	USFS	Northern Region Federal Bldg P.O. Box 7669 Missoula 59807
x Bruce Bertwell	I F+G	600 So. Walnut, P.O. Box 25, Boise, ID 83707

Tom Reinscher	IDFG	600 So. Walnut Boise
Alint Groll	USFS	Box 1015 Salmon Idaho
Steve Barton	IDFG	600 S. Walnut Boise
Bill Goosman	USFS	Box 729 Salmon, Id. Sawtooth National Recreation Area Star Route, Ketchum, Idaho 83340
Mose Strom	USFS	Box 1 RT 3 Burley, ID 83318
Bill Boggs	BLM	Box 25 Boise 83707
KEN NORRIE	IDFG	CARIBOU N.F. POCAHELLO
DAVE ZOHNER	FS	Sawtooth N.F. 2647 Kimberly Road E Twin Falls Idaho 83301
Sharon Metzler	U.S. FS	3948 Development Ave Boise 83705
ROBERTS THOMAS	FS.	3948 Development Ave, Boise, ID 83705
Wally Meyer	BLM	Payette NF McCall ID, 83638
LEE KLIMAN	BLM	SALMON ID PO Box 430 83467
Sonny LaSalle	FS	Reg. 3 Boise, Id 109 W. 44 th
DAVE WOLF	BLM	State Office Box 25 Boise ID 83707
Ray Lyon	IF+G	Challis N.F. M.F. District Box 750 Challis Id 83226
JERRY MALLET	IF+G	Rte 3, Box 181, Cottonwood, Id 83522
Ted L. Anderson	F.S.	
Julverne Gruning	BLM	

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MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD/U.S. FOREST SERVICE MEETING

December 2-3, 1986

Following the Inter-Agency Meeting which was held in the Elkhorn Room of the Holiday Inn at Boise, Idaho, the Board met with representatives of the U.S. Forest Service, namely: Frank McElwain, Jim Dolan, Art Seamans, Gene Benedict, Earl Kimball, Clem Pope, Bob Boston, Jim Arp, Bob Entwistle, and Al Becker in review and consideration of the M.O.U.-Amendment #1.

The meeting was called to order at 1000 hours by Chairman Meiners who read the June 25, 1986, letter he had written to J. Hess Tixier, Regional Forester, wherein Board concerns were outlined.

Chairman Meiners noted the problems associated with the Board's having assigned hunting areas and, therefore, cannot address re-allocation of areas where current licensed outfitters are operating. Frank McElwain indicated that the opening statements of the Coordinating Guidelines addresses this issue. The question was raised about priority use, the Board's position being that a new person does not mean a new opportunity. It appears the Board and Forest Service have a misunderstanding concerning this issue.

It was pointed out that it appears an Environmental Assessment of an outfitting proposal documents everything that the Board takes into consideration, including Fish and Game input and applicant qualifications. Chairman Meiners also asked about definitions relative to the Environmental Assessment as addressed in the Forest Service Manual and as evident in the "Eastside Outfitting Opportunities" EA, Payette National Forest. The Board was then asked to put its concerns/questions in writing which could be followed by another meeting and/or telephone call to consider/clarify same. The basic position of the Forest Service is that it should evaluate the resources and the Board should evaluate the outfitter/guide applicant. The Board concurred further noting that the Idaho Department of Fish and Game is the "management" agency responsible for wildlife, per se.

It was further noted that the Environmental Assessment only deals with exclusive use areas because the Forest Service policy says it must do so. Chairman Meiners noted that sheep, moose, and other draw hunts are an exception to the Board's policy against the stacking of outfitters for big game hunting operations.

Bob Boston asked how the Board would be handling Forest Service Performance Rating Evaluations and Chairman Meiners responded that the Board would only be interested in those performance ratings of less than satisfactory.

Revised copies of the proposed Coordinating Guidelines were then distributed to Board members as well as some Forest Service representatives. In order to give everyone an opportunity to review said document, this meeting adjourned at 1125 hours.

On Wednesday, December 3, 1986, all Board members along with Frank McElwain, Jim Dolan, Art Seamans, and Clem Pope of the U. S. Forest Service convened at 0840 hours in the Elkhorn Room of the Holiday Inn in Boise to discuss finalization of the Amendment #1 of the Memorandum of Understanding, the Coordinating Guidelines [hereinafter referred to as C.G.].

Chairman Meiners expressed concern with the 120 days noted in the C.G. versus the Outfitters and Guides Act which gives the Board only 90 days in which to act on an outfitter application. However, it was pointed out that the 90 days is from the date the application is completed and that without the land manager's signature on the application form, the clock does not start ticking. Frank McElwain noted that there is no realistic way the necessary research could be completed within 90 days.

Frank McElwain also noted the Forest Service's unwillingness to sign the application form because the Board issues licenses based on that signature even though it says it "will consider" the application. Art Seamans stated it would be appropriate for the Forest Service to sign the application only after the evaluation has been completed, but this would not affect sales of businesses. Clem Pope stated he would rather send a letter to the Board rather than sign the application form. Chairman Meiners noted that the "days" problem could be resolved if the Forest Service would sign the application at Step 4 or 5 as noted on the C.G. rather than at Step 1.

Frank McElwain also noted that when a new outfitter application is filed, the Forest Service has an obligation to review the operation prior to issuance of a permit, but Scott Farr stated the National Outfitter Guidelines would seem to indicate that a qualified buyer could take over the balance of the seller's permit. Art Seamans pointed out that even when an outfitter does not sell his business, he could still be subject to a change in the operating plans. Frank McElwain further noted that in some cases a person was licensed by the Board but did not secure a Forest Service permit and that these C.G. are designed to allow the applicant to get both the Board's license and the Forest Service permit at the same time.

Jim Dolan stated that it is difficult to take into consideration all of the various types of outfitting that could be requested in any given area in the Forest Service's Environmental Assessment. Chairman Meiners then suggested that Board concerns be addressed to the Chief rather than the Regional offices.

Scott Farr asked about the procedure the Forest Service would follow relative to an outfitter's request for an amendment or a new applicant's request for an activity different from those currently licensed in a specific big game hunting area. Frank McElwain stated this probably could be handled over the phone but may initiate the procedures outlined in the C.G.

Frank McElwain noted that the Forest Service's position regarding the C.G. are that they are "tailor-made to be tailor-made" for each individual situation and asked the Board to sign same and use them, pointing out the 30-day bail-out clause in the M.O.U. Chairman Meiners stated the Board would like to pass this by its attorney before doing so.

Chairman Meiners then asked about "continuity of use" and "capacity" to which Frank McElwain responded by stating the C.G. have not been "cast in concrete", allowing for flexibility. Chairman Meiners further noted the Board's concern in its participation in the Environmental Assessment process. Frank McElwain stated the Board could only comment and not be a signator of same pursuant to Forest Service provisions. He further pointed out the the Environmental Assessment process does not allow for a "draft", but Chairman Meiners stated that getting the "scope" of same is "like washing your feet with your socks on". Art Seamans stated that if the Board were to get involved with the Environmental Assessment process, much more time would be required for the application evaluation process.

The meeting adjourned at 1005 hours with the Forest Service agreeing to redraft the C.G. and forward same to the Board for review and signature.



WILILAM R. MEINERS, CHAIRMAN OF THE BOARD

ATTEST:



LINDA L. ELWOOD, ADMINISTRATIVE SECRETARY