

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD

MINUTES  
INTER-AGENCY MEETING

December 5, 1988

The Annual Inter-Agency Meeting was held on Monday, December 5, 1988 in the North Star Room of the Red Lion Inn-Riverside, commencing at 3:15 p.m. with representatives from the Licensing Board, U. S. Forest Service, Bureau of Land Management, and Idaho Department of Fish and Game in attendance. [The sign-in sheet is attached hereto.]

**Outfitters and Guides Act**

Following introductions of all persons in attendance, Chairman Meiners outlined the July 1, 1988 amendments to the Outfitters and Guides Act, specifically noting the changes in the wording of the definitions of "outfitter" and "guide" which should preclude the excuse of "we're just friends" by alleged clients of unlicensed outfitters/guides. Also noted were the new fee schedule including major and minor amendments and that the Legislature has now given authority to the Board for enforcement of the Act.

**Board Rules and Regulations**

Chairman Meiners then reviewed the October 15, 1988 amendments to Board Rules and Regulations, calling particular attention to the section on Definitions as well as Rules 2 (licensing), 6.d. (lease agreements), 21 (third party), 22 (nonuse), 46 (charter boat fishing), and 64 (fine schedule). He also mentioned the deletion of old Rule 48 which opens upland game bird hunting as a licenseable activity. Chairman Meiners went on to state, however, that before the Board can license this activity additional rules/regulations will have to be promulgated but that current requests will be handled on a case-by-case basis and in conjunction with recommendations made by the Idaho Department of Fish and Game.

**State Administrative Procedures Act and Board Rules of Practice & Procedure**

Chairman Meiners briefly outlined the provisions of the State Administrative Procedures Act and Board Rules of Practice & Procedure relative to promulgation of rules and regulations and petitions for same.

### Appeals of Board Decisions

Chairman Meiners stated that appeals of Board decisions can be made: (1) directly with the Board; (2) before an independent hearing officer; or (3) with the District Court.

### Memorandum of Understanding/Amendment No. 1

Chairman Meiners acknowledged the concerns regarding licensing/permitting on the South Fork Boise River, noting the upcoming meeting with Dave Rittersbacher to discuss same.

### Questions/Comments from Agency Representatives

Tom Reinecker from the Idaho Department of Fish and Game asked about the differences between Enforcement Agents and Investigators. Chairman Meiners noted the P.O.S.T. certification requirement and stated the Board has both Agents and Investigators in its employ.

Ted Anderson of the U.S. Forest Service in Challis asked about air taxi services as well as third party agreements and outfitters who are contracting for same. Chairman Meiners pointed out that outfitters are fully responsible for monies/clients/etc. and that undercover operations will have to be commenced in specific cases. Jim Arp of the Payette National Forest noted third party arrangements were observed on this past year's Partners Afloat trip.

LuVerne Grussing from the Bureau of Land Management in Cottonwood asked what the agencies could expect in the way of additional involvement by the Board in enforcement matters now that it had legislative authority for same. Al Lewis, the Board's Enforcement Coordinator addressed this question, noting that the Board will continue its efforts but money is a drawback. He further stated that help from the Forest Service, BLM and Fish & Game is appreciated but that the \$60,000 budget for enforcement activities only goes so far. Frank McElwain of the Forest Service in Ogden noted these monies include all supplies and expenses as well as payroll and deposits on undercover hunts. Chairman Meiners then introduced Steve Mendive, the Board's new attorney, noting he is now a half-time employee of the Board and is assisting the Board in determining where the Board can be most effective in enforcing the Act and Board Rules/Regulations given the budget restraints. He went on to note that approximately 1 million dollars in sales tax revenues are lost each year due to illegal outfitting/guiding activities.

Frank McElwain expressed his gratitude for the final signing of Amendment Nos. 1 and 2 to the Memorandum of Understanding by and between the Outfitters and Guides Licensing Board and the U. S. Forest Service and that he is looking forward to the implementation of same.

LuVerne Grussing expressed his appreciation for the fact that agencies can now deal with the Board on a direct/regular basis and not have to wait for the Annual Inter-Agency Meeting to air mutual concerns.

Board Member Dale Baird then asked Ken Norrie from the Idaho Department of Fish and Game to address the matter of tags set aside for outfitters. Mr. Norrie stated that, based on past history, 2500 deer tags and 2400 elk tags have been set aside this year for outfitters and that any not purchased by July 1 will be made available to the general public. He further noted that the procedures established for these deer/elk tags seem to be working out so far.

Bill Goosman of the Cobalt Ranger District asked what, if anything, the Board was doing about the joint-use bear & cougar areas assigned in Custer & Lemhi counties. Chairman Meiners stated the current Board policy is that these joint-use areas do not get transferred when a business is sold.

LuVerne Grussing noted that BLM rules do not recognize a default as an "automatic" successor to the original owner, further noting that an outfitter license has no value and cannot be liened as in the Powell/Gardner case. Board Attorney Steve Mendive stated that due process must be gone through...even to determine if the default is in order and that a license cannot be removed/revoked until due process has been given.

#### **Board's Policy on Draw/Special Hunts**

Chairman Meiners informed the representatives from the various agencies that the Board's policy on draw/special hunts is apparently being abused and that consideration is being given to rescinding same. Rogers Thomas of the North Fork Ranger District said he is in favor of the Board's rescinding same.

There being no other matters brought before this body, the meeting adjourned at 4:05 p.m.

These minutes prepared and submitted by:  
Linda L. Elwood, Administrative Secretary for the Board

Inter-Agency Minutes

December 5, 1988

*William R. Meiners*  
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WILLIAM R. MEINERS, Chairman of the Board

ATTEST:

*Linda L. Elwood*  
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LINDA L. ELWOOD, Administrative Secretary

STATE OF IDAHO  
 Outfitters & Guides Licensing Board  
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12/3/88

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