

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

FEBRUARY 27 - MARCH 1, 1995

(Key: MSC = Motion made, seconded & carried)  
(MSF = Motion made, seconded & failed)

A regular meeting of the Idaho Outfitters and Guides Licensing Board convened at 8:15 am, February 27, 1995, with Board members Dale Baird, Leo Crane, Tom Kovalicky, John Barker, and Diana Haynes present. Also present were Board Executive Director Dean Sangrey, Education/Law Enforcement Supervisor Bill Vetesy, and Deputy Attorney General Steve Scanlin.

**EXECUTIVE SESSION:** Pursuant to Sec. 67-2345, Idaho Code, MSC (Barker--Kovalicky) that the Board go into Executive Session at 8:30 AM to discuss personnel matters. The Board came out of Executive Session at 9:10 AM with no decisions made.

**LICENSING PROCESS:** Staff members Bambi Thomason and Fay Allen joined with Director Sangrey to present an update to the Board regarding revised licensing procedures being developed for the upcoming year. They reported that good progress has been made in providing for earlier renewal processing for outfitter licenses, revision of the guide license application form, and modification of internal procedures to help improve on the processing time required for guide licensing during the busy spring and summer seasons. They also provided statistics regarding the number of applications received to date. Out of the 115 applications received as of February 24, twenty six have been incomplete. The discrepancies include missing liability insurance certificates, missing or expired first aid cards, improper bonding, incomplete use reports, etc. The Board thanked the staff for the report and suggested that this information, as well as future updates, be periodically sent to our Board as well as the Board of Directors for the Outfitters and Guides Association.

**EXECUTIVE SESSION:** Pursuant to Sec. 67-2345, Idaho Code, MSC (Kovalicky--Crane) that the Board go into Executive Session at 10:05 AM to discuss personnel matters. The Board came out of Executive Session at 10:30 AM, with no decisions made.

**BILL VETESY:** Education/Enforcement Supervisor Bill Vetesy updated the Board on various education and enforcement efforts that have been addressed so far this winter. He reported he continues to work on establishing updated goals and objectives for the education/law enforcement program, as well as advising us on the extent of his investigations into unlicensed activities around the state.

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**MIKE SCOTT:** Mr. Scott appeared before the Board to discuss the circumstances relating to the accidental killing of a bighorn sheep during his 1994 fall hunting season. After review and discussion, MSC (Crane--Barker) THAT THE BOARD FINDS THERE WAS NO UNETHICAL OR UNPROFESSIONAL CONDUCT OR VIOLATION OF ANY BOARD RULE BY MR. SCOTT, AND, FURTHER, THAT HE TOOK ALL THE APPROPRIATE ACTIONS FOLLOWING THE ACCIDENT BY REPORTING TO THE DEPARTMENT OF FISH AND GAME AND IN TAKING CARE OF THE ANIMAL, AS WOULD BE EXPECTED. THEREFORE, NO ACTION WILL BE TAKEN AGAINST HIS OUTFITTER LICENSE.

The Board adjourned for lunch at 11:45 AM, and reconvened at 1:30 PM. Chairman Baird and Executive Director Sangrey traveled to the Statehouse and met with Representative John Alexander and Senator Lin Whitworth relative to legislation introduced by Senator Whitworth. The meeting was also attended by Shelley Fisher and Grant Simonds of the IOGA, and lobbyist John Watts. The discussion addressed the makeup of the Board and its objectives, and some of the processes required for license application. Additional questions and concerns of the legislators were addressed and the meeting adjourned at 1:20 PM.

**GAIL ATER:** Mr. Ater appeared before the Board to discuss his plans for applying for a possible outfitter license on the Salmon River in the Riggins area.

**RAY HAMELL, DA, SD Outfitters, Inc.:** Mr. Hamell came before the Board to discuss the current status of SD Outfitters and his negotiations to acquire ownership of the stock in that corporation, and to try and maintain it as a viable business operation. He will keep the Board apprised of developments.

**GRANT SIMONDS, EXECUTIVE DIRECTOR, IOGA:** Mr. Simonds came before the Board to review the status of several legislative issues currently being addressed at the statehouse, as well as various operational issues relating to the industry.

**STEVE SCANLIN:** Deputy Attorney General Steve Scanlin reported on several active cases and other issues he is currently working on for the Licensing Board.

The meeting adjourned at 6:00 PM, and reconvened Tuesday morning, February 28, at 8:30 AM.

**DUNCAN/PRENTICE (Partnership), Bruce Duncan and Patrick J. Prentice, Designated Agents:** Bruce Duncan and Pat Prentice appeared before the Board in a show cause hearing regarding alleged violation of the Idaho Outfitters and Guides Act, Sec.

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36-2113(a)(5 & 8), Idaho Code. At the conclusion of testimony, the following Findings of Fact were established: 1) On or about December 14, 1993, Bruce Duncan did conduct a cougar hunt outside his assigned operating area boundary and within the boundary assigned to Ronnie West; 2) testimony did not establish that a false report was filed with the U.S. Forest Service regarding the harvest of a cougar. Conclusions of Law are that operating outside of their assigned area does constitute a violation of Sec. 36-2113(a)(5 & 8), Idaho Code. Pursuant to these findings, MSC (Crane--Kovalicky) THAT IN REGARDS TO THE CHARGE OF OPERATING OUTSIDE THEIR ASSIGNED AREA, BOTH MR. DUNCAN AND MR. PRENTICE BE FINED IN THE AMOUNT OF \$250.00, AND THAT THE CHARGE OF UNETHICAL/UNPROFESSIONAL CONDUCT RELATING TO FALSIFYING A REPORT TO THE U.S. FOREST SERVICE BE DISMISSED.

**KIRK EBERHARD:** The Board reviewed a letter from Mr. Eberhard regarding his proposal to conduct fly fishing instruction classes on his private property near Salmon, Idaho. After review and discussion, MSC (Haynes--Kovalicky) THAT THIS ACTIVITY FALLS OUTSIDE THE PURVIEW OF LICENSING BOARD RULES, AND NO OUTFITTER LICENSE IS REQUIRED.

**JOHN HATHAWAY:** Mr. Hathaway appeared before the Board in a show cause hearing regarding his alleged violation of Idaho Fish & Game regulations. Records indicate that Mr. Hathaway was convicted for killing a cow elk without having a proper permit. At the conclusion of testimony in this matter, the following Findings of Fact was established: 1) Mr. Hathaway did violate Idaho Fish and Game law as alleged in the affidavits presented. Conclusions of Law are that this does constitute a violation of Sec. 36-2113(a)(6), Idaho Code. Pursuant to these findings, MSC (Haynes--Crane)(Crane-aye, Kovalicky-aye, Haynes-aye, Barker-nay, Baird-aye) THAT MR. HATHAWAY'S 1994-95 GUIDE LICENSE BE REVOKED, AND IF HE APPLIES FOR A GUIDE LICENSE FOR THE 1995-96 SEASON, THAT APPLICATION BE DENIED. FURTHER, IF HE APPLIES FOR FUTURE GUIDE LICENSES, SAID LICENSES BE ISSUED PROBATIONARY FOR TWO CONSECUTIVE YEARS.

The meeting adjourned for lunch at 11:45 AM, and reconvened at 1:00 PM.

**CHERYL BRANSFORD, dba: Meadow Creek Outfitters:** Ms. Bransford appeared before the Board in a show cause hearing relating to her conviction for violating federal regulations pertaining to her special use permit. At the conclusion of testimony, the following Finding of Fact was established: Ms. Bransford did forfeit two collateral bonds to the U.S. Forest Service regarding permit violations on the Moose Creek Ranger District. Conclusions of Law are that this action does constitute a violation of Sec. 36-2113(a)(4), Idaho Code. Pursuant to these

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findings, MS (Kovalicky--Barker) THAT THE BEAR HUNTING AUTHORIZATION ON THE OUTFITTER'S LICENSE BE SUSPENDED FOR THE 1995-96 AND 1996-97 LICENSE YEARS. A substitute motion was then offered. MSC (Haynes--Barker) THAT, CONSIDERING SOME BEAR HUNTERS MAY HAVE ALREADY BEEN BOOKED FOR THE 1995 SPRING SEASON, THIS OUTFITTER LICENSE BE PLACED ON PROBATION FOR THE 1995-96 AND 1996-97 LICENSE YEARS, AND THAT AUTHORITY FOR BEAR HUNTING BE SUSPENDED FOR THE SPRING, 1996, BEAR SEASON. TERMS OF PROBATION ARE THAT MS. BRANSFORD NOT VIOLATE ANY LOCAL, STATE OR FEDERAL LAWS, AND NO AMENDMENTS WILL BE ALLOWED TO THE OUTFITTER LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1997.

**LARRY CROSS:** Mr. Cross appeared before the Board for a re-hearing regarding the Board's earlier decisions during his initial hearing in August, 1994. After review and discussion, MSC (Crane--Kovalicky) THAT IN AS MUCH AS NO NEW INFORMATION WAS PRESENTED BY MR. CROSS TO CONTRADICT THE EVIDENCE PROVIDED IN THE EARLIER HEARING, THE BOARD HAS DETERMINED THERE IS NO REASON TO CONSIDER OVERTURNING THEIR EARLIER DECISION IN THIS MATTER. THE FINES AND PENALTIES AS PREVIOUSLY IMPOSED SHALL BE PAID PRIOR TO MR. CROSS BEING ISSUED AN OUTFITTING LICENSE FOR THE 1996-97 LICENSE YEAR. **Administrative note:** As Board member John Barker was not present during the initial hearing, he did not participate in this re-hearing.

**RUSSELL PARSONS:** The Board reviewed a letter from Mr. Parsons regarding a proposal he has made to provide outfitting services to the Boy Scouts of America in the Teton Basin area. Following a review and discussion, the Board directs that the Executive Director respond to Mr. Parsons and advise him his proposed activity does appear to fall under the purview of the Outfitters and Guides Act, and is not exempt under Title 36, Chapter 21. As such he would need to submit an application for consideration.

**DAVID BROCK AND RICHARD ESCOTT:** Mr. Brock and Mr. Escott have both submitted applications for a vacant power boat licensing opportunity on Cascade Reservoir. In as much as this activity has previously been advertised with no response, the Board instructs the Executive Director to proceed with another public advertisement to determine if there are any additional interested candidates, after which the Board will consider the applications.

**HELLS CANYON NATIONAL RECREATION AREA (HCNRA):** The Board discussed a concern expressed by Board member Barker relating to a memorandum notice from the U.S. Coast Guard involving commercial recreational floatboats with "kicker" outboard motors. The Executive Director researched the matter and received confirmation from the Portland Office of the Coast Guard that they do not require licensing for this type of commercial

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not institute inspections or licensing action against commercial white water activities. The Board further directs that this matter not be pursued any further.

**MONTE ROSS:** The Board reviewed a guide license application submitted by Mr. Ross, noting he has been convicted of a felony. After review and discussion, MSC (Kovalicky--Haynes) THAT THIS LICENSE APPLICATION BE DENIED. FURTHER, THE BOARD WILL CONSIDER AN APPLICATION IN THE FUTURE AFTER MR. ROSS SATISFACTORILY COMPLETES HIS PROBATION FOR THIS CONVICTION.

**DON HOUK:** The Board reviewed the outfitter license application submitted by Mr. Houk for powerboat fishing on Lake Coeur d'Alene. A preliminary review revealed Mr. Houk has been convicted for three Idaho Fish and Game violations, one each in 1978, 1979 and 1990. The Board instructed the Executive Director to proceed with an evaluation of this application, and request additional comment from the Department of Fish & Game regarding these violations, as well as the management implications this record may have on Mr. Houk's application.

**AARON MILLER:** The Board reviewed the circumstances surrounding an earlier denial of a guide license application for Mr. Miller to work for Mike Stockton. The application was initially denied because of an altered first aid card. Mr. Miller has since completed a first aid course and provided the Board with a copy of a valid card. However, if Mr. Miller applies for a guide license for the coming year, he should be requested to appear before the Board for an administrative review or pay a \$300.00 administrative fine.

The meeting recessed for the day at 5:15 PM, and reconvened Wednesday, March 1, at 8:30 AM.

**DECEMBER BOARD MINUTES:** MSC (Barker--Crane) THAT THE DECEMBER, 1994, BOARD MINUTES BE APPROVED AS WELL AS THE MINUTES OF THE EMERGENCY MEETING ON JANUARY 20, 1995, RESCINDING BOARD ACTION REGARDING THE TEMPORARY RULES PACKAGE.

**FINANCIAL STATEMENT:** The Board reviewed the financial statement as presented by the Executive Director. After review and discussion, MSC (Haynes--Kovalicky) THAT THIS REPORT BE APPROVED.

**EXECUTIVE DIRECTOR:** The Board reviewed the actions taken by the Executive Director since the last Board meeting. After a review and discussion, MSC (Barker--Crane) THAT THESE ACTIONS BE APPROVED.

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**POLICY MEMO 95-1:** The Board reviewed Policy Memorandum 95-1 relating to Electronic Mail Privacy. MSC (Barker--Kovalicky) THAT THIS MEMORANDUM BE APPROVED AS POLICY.

**TOM CARTER, dba: Deadwood Outfitters, L.L.C.:** Tom and Dawn Carter came before the Board to discuss proposals they are considering for conducting recreational canoeing and powerboat fishing on the Deadwood River and Deadwood Reservoir, respectively. After reviewing and discussing their proposal, the Board advised them to submit an amendment request for further evaluation.

**DUSTY YOUREN:** Mr. Youren appeared before the Board to discuss a proposal to drop cougar and bear hunting from the smaller of his two licensed areas, which is located within his larger bear/cougar area, thereby retaining only deer and elk hunting authorization in the smaller area. He was advised to submit an amendment request to the Board for further evaluation.

**DONALD PARRISH:** Mr. Parrish appeared before the Board in a denial hearing regarding his 1994-95 guide license application. He explained the circumstances leading up to his conviction for violating Idaho Fish & Game laws, and following this review and discussion, MSC (Crane--Haynes)(Crane-aye, Kovalicky-aye, Haynes-aye, Barker-nay, Baird-aye) THAT THE BOARD SUSTAIN ITS DENIAL OF HIS 1994-95 GUIDE LICENSE APPLICATION. IF HE APPLIES FOR A 1995-96 GUIDE LICENSE, SAID LICENSE SHOULD BE ISSUED PROBATIONARY WITH THE TERMS OF PROBATION BEING THAT HE NOT VIOLATE ANY LOCAL, STATE OR FEDERAL LAWS, AND NO AMENDMENTS WILL BE CONSIDERED DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1996.

**MEMORANDUM OF UNDERSTANDING:** The Board reviewed the MOU which has been drafted between the IOGLB and Idaho Department of Fish and Game enforcement divisions. After review and discussion, MSC (Kovalicky--Haynes) THAT THIS MEMORANDUM OF UNDERSTANDING BE APPROVED AND THE EXECUTIVE DIRECTOR BE AUTHORIZED TO SIGN ON BEHALF OF THE BOARD.

The Board recessed for lunch at 12:00 PM and reconvened at 1:15 PM.

**JOHN VALVO:** Mr. Valvo appeared before the Board for reconsideration of the results of an earlier hearing held in June, 1994, dealing with his conviction for violation of Board rules. After determining that Mr. Valvo had no new or additional information that could be presented on his behalf, the Board sustained their original decision. Mr. Valvo indicated he would proceed with consideration for paying his outstanding fine and

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submitting appropriate documentation for the renewal of his outfitter license.

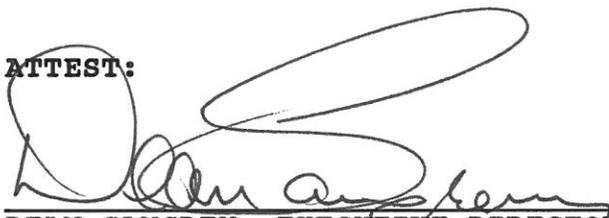
**EDUCATION/LAW ENFORCEMENT:** Education/law enforcement Supervisor Bill Vetesy presented a draft of goals and objectives he has developed for that program. The Board reviewed the draft statements and suggested several revisions that might be considered.

**GUIDE LICENSES:** The Board reviewed the list of guide licenses issued since the December Board meeting. After review, MSC (Barker--Kovalicky) THAT THESE LICENSES BE APPROVED.

**MULESHOE AREA ANALYSIS:** The Board reviewed the preliminary draft of the needs assessment and public scoping announcement prepared by the Powell Ranger District for the former Muleshoe Outfitters operating area at Elk Summit. The Board advised the Executive Director to respond to the Forest Service expressing our concurrence with the preliminary findings and urging them to continue to complete this process as soon as possible.

There being no further business to come before the Board, the meeting was adjourned at 7:00 PM.

  
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DALE BAIRD, CHAIRMAN OF THE BOARD

**ATTEST:**  
  
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DEAN SANGREY, EXECUTIVE DIRECTORY