

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

APRIL 24 - 26, 1995

Key: MSC = Motion made, seconded, and carried
MSF = Motion made, seconded, and failed

A regularly scheduled meeting of the Idaho Outfitters and Guides Licensing Board was convened at Grangeville, Idaho, at 8:30 AM, April 24, 1995. All Board members except John A.K. Barker were present, as well as Dean Sangrey, Executive Director, Bill Vetesy, Education/Enforcement Supervisor, and Steve Scanlin, Board Attorney.

FINANCIAL STATEMENT: The Executive Director presented the current financial report to the Board. After review and discussion, MSC (Crane--Haynes) THAT THIS REPORT BE ACCEPTED.

FEBRUARY MINUTES: The Board reviewed the minutes from the February Board meeting, and after discussion, MSC (Kovalicky--Crane) THAT THESE MINUTES BE APPROVED AS WRITTEN.

MIKE KING, SUPERVISOR, NEZ PERCE NATIONAL FOREST: Mr. King welcomed the Board to Grangeville and shared a discussion of current issues affecting the Nez Perce Forest and the local community. These included suggestions for improving communications between the National Forest and the public, as well as other federal, state, and local entities. One aspect of this focus toward better coordination had to do with improvement of responses to the Licensing Board on various licensing issues. He also discussed the joint Memorandum of Understanding that is currently in force between the Forest Service and the Board.

HERB POLLARD, CLEARWATER REGION SUPERVISOR, IDAHO DEPARTMENT OF FISH AND GAME: Mr. Pollard appeared before the Board to discuss issues of mutual concern for his agency and the Board, including improved coordination on applications, species planning, etc.

JOE EICHERT, CLEARWATER AREA SUPERVISOR, IDAHO DEPARTMENT OF LANDS: Mr. Eichert met with the Board to talk about improved communications with our agency relative to ongoing issues of conflicts with the public over access to public lands, restriction of access by outfitter-controlled lands, and management problems peculiar to the Clearwater area.

GERTRUDE MAXWELL: Ms. Maxwell, who lives in Elk City and is a former outfitter and recent inductee into the National Cowboy

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Hall of Fame, stopped in to visit, observe the Board meeting, and share a few comments.

STATE REPRESENTATIVE TWILA HORNBECK: Representative Hornbeck, who lives in Grangeville and represents Legislative District 8, spent the morning observing the Licensing Board session and sharing her insights into several issues before the Board for discussion.

STEVE SCANLIN: Board attorney Steve Scanlin reported to the Board regarding on-going litigation and the completion of two appeals of Board action to the District Court. The Board's position was upheld by the court in the cases of Jack Adkins and Richard Cook. Mr. Scanlin recommended the Board consider enacting a policy which has the Board's executive director also serve as Clerk of the Board to provide an official structure for responding to legal requests for information on appeal processes, etc. Following discussion, MSC (Kovalicky--Haynes) THAT DEAN SANGREY, THE CURRENT EXECUTIVE DIRECTOR, BE APPOINTED AS CLERK OF THE LICENSING BOARD.

The Board recessed for lunch at 12:10 PM, and reconvened at 1:30 PM, with all members except John A.K. Barker present.

PHIL CRABTREE, dba MIDDLE FORK RIVER TOURS: Mike Crabtree, on behalf of his father, Phil Crabtree, appeared before the Board in a show cause hearing regarding alleged non-use of the C. J. Strike Dam to Walters Ferry (SN10) section of the Snake River authorization of their outfitter license. At the conclusion of testimony in this matter, the following Findings of Fact were established: 1) annual use records show no reported use for the last 7 years; 2) Mr. Crabtree explained reasons for the non-use included family illness and a change in leadership for their operation which lead to a restructuring of the business. Conclusions of Law are that this does constitute non-use under Licensing Board Rule 024., as specified in the Notice of Hearing. Pursuant to these findings, MSF (Haynes--Crane) THAT MIDDLE FORK RIVER TOURS LICENSED ACTIVITIES RELATING TO THE SN10 SECTION OF THE SNAKE RIVER BE ISSUED FOR THE 1995-96 SEASON WITH THE PROVISION THAT AT LEAST MINIMAL USE TAKE PLACE. MSC (Kovalicky--Crane) THAT THE BOARD REVOKE, FOR NON-USE, THE SN10 SECTION OF THE SNAKE RIVER PORTION OF MIDDLE FORK RIVER TOURS' OUTFITTER LICENSE, AND THAT THIS OUTFITTER OPPORTUNITY BE ADVERTISED FOR RE-LICENSING AT THE EARLIEST OPPORTUNITY.

DAVE GATES, WESTERN MEAT PROCESSING COMPANY: Mr. Gates appeared before the Board to discuss his concerns regarding his experience with the improper care of wild game meat by outfitters and their guides. He explained that he only accepts meat from two

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outfitters any more because of the poor quality and condition of a lot of the meat that is harvested by outfitted clients. The Board directed that a cooperative effort be initiated to survey other wild game processing facilities around the state to ascertain whether this is a widespread problem, or if it is more a local or regional issue.

JIM WIEBUSH, DISTRICT RANGER, ELK CITY RANGER DISTRICT: Mr. Wiebush came before the Board to discuss the current status of the Bugle Point Outfitters license and permit, and his concerns about the area where they were authorized to conduct business. After review and discussion it was determined that this license has not been renewed since it expired on March 31, 1994, and, therefore, MSC (Kovalicky--Haynes) THAT PURSUANT TO OUTFITTERS AND GUIDES LICENSING BOARD RULE 015.01.d, A COMPLETED APPLICATION WAS NOT POSTMARKED OR OTHERWISE RECEIVED BY THE BOARD BY MARCH 31 OF THE 1993-94 OR 1994-95 LICENSE YEARS, AND THIS LICENSE WAS RELINQUISHED, AND THE BOARD DECLARES IT EXPIRED. FURTHER, THE DIRECTOR IS INSTRUCTED TO PURSUE A COORDINATED EFFORT WITH THE ELK CITY RANGER DISTRICT AND THE IDAHO DEPARTMENT OF FISH & GAME TO DEVELOP RELICENSING CONSIDERATIONS FOR THIS OPERATING AREA AS SOON AS POSSIBLE.

BILL VETESY, EDUCATION/LAW ENFORCEMENT SUPERVISOR: Mr. Vetesy presented his operations report to the Board and also discussed a proposal to contract with a marketing firm to establish an informational program for the Board's education program. Along with Mr. Vetesy's presentation, Ms. Lorraine Roach, owner of Competitive Edge Consulting in Grangeville, appeared before the Board and discussed some of the different options and procedures available to the Board in this regard.

TERRY BOLINDER: The director provided information to the Board relative to a recent conviction for violation of Fish & Game laws by licensed outfitter Terry Bolinder. After review and discussion, MSC (Haynes--Crane) THAT MR. BOLINDER BE SUMMONED TO APPEAR BEFORE THE BOARD FOR A SHOW CAUSE HEARING AS TO WHY HIS OUTFITTER LICENSE SHOULD NOT BE REVOKED. **Administrative note:** Staff is directed to work with legal counsel in pursuing a possible stipulated settlement in this matter.

The Board meeting recessed for the evening at 5:00 PM and reconvened on Tuesday, April 25, 1995, at 8:30 AM, with all Board members present, as well as Dean Sangrey, Steve Scanlin, and Board prosecuting attorney Nicole McKay.

EXECUTIVE SESSION: MSC (Kovalicky--Haynes) that the Board go into executive session pursuant to § 67-2345, Idaho Code, for

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discussion of litigation matters. The Board went into executive session at 9:45 AM and came out of Executive Session at 10:00 AM with no decisions made.

CHERYL BRANSFORD, dba: Yahoo Corrals, dba: Meadow Creek Outfitters: Ms. Bransford appeared before the Board in a Reconsideration of Discipline hearing to discuss the penalties assessed against her during a previous Board action on February 28, 1995. After review and discussion, MSF (Kovalicky--Crane)(Crane-aye, Kovalicky-aye, Barker-nay, Haynes-nay, Baird-nay) THAT THE BOARD'S PREVIOUS ACTION BE AMENDED TO PROVIDE THAT MS. BRANSFORD'S SUSPENSION OF BEAR HUNTING PRIVILEGES FOR LICENSE YEAR 1996-97 REMAIN IN PLACE AND THAT THE PROBATIONARY PROVISIONS ASSESSED AGAINST HER BE DISMISSED. MSF (Barker--Haynes)(Crane-nay, Kovalicky-aye, Barker-aye, Haynes-nay, Baird-nay) THAT THE ORDER PENDING AGAINST MS. BRANSFORD BE MODIFIED TO DROP THE PROBATIONARY PROVISIONS AND THE SUSPENSION OF THE SPRING BEAR FOR 1996-97, AND INSTEAD IMPOSE A \$2500.00 FINE. MSC (Crane--Barker)(Crane-aye, Kovalicky-aye, Barker-aye, Haynes-aye, Baird-aye) THAT THE BOARD ORDER PENDING IN THIS MATTER BE MODIFIED LEAVING THE PROBATIONARY PROVISION FOR THE 1995-96 AND 1996-97 LICENSE YEARS, AND THE SUSPENSION OF SPRING BEAR HUNTING PRIVILEGES FOR 1996, INTACT, BUT TO REMOVE THE PROVISION PROHIBITING ANY AMENDMENTS TO HER OUTFITTER LICENSE DURING THE TERM OF PROBATION, WHICH EXPIRES MARCH 31, 1997. **Administrative note:** Upon advice from Ms Bransford, the Board directs the record in this matter be corrected to properly reflect that one of the Forest Service citations was issued on the Moose Creek Ranger District for an illegal cache at the Otter Butte/Loon Creek campsite, and the other was issued from the Fenn Ranger District for violation of a National Forest Restricted/Closed Road permit.

OLIN GARDNER: The Board reviewed information relative to an outfitter license request from Olin Gardner to be considered for licensing of powerboating and floatboating activities on the Milner Dam to Star Falls (SN5), Star Falls to Twin Falls (SN6), Twin Falls to Lower Salmon Falls Dam (SN7), Lower Salmon Falls Dam to Bliss Dam (SN8), and Bliss Dam to headwaters of C.J. Strike Reservoir (SN9), sections of the Snake River. After review and discussion, MSC (Crane--Barker) THAT MR. GARDNER'S APPLICATION BE HELD AND THAT PUBLIC NOTIFICATION BE PREPARED ADVERTISING THE AVAILABILITY OF COMMERCIAL OUTFITTER OPPORTUNITIES ON THESE SECTIONS, AS WELL AS THE C.J. STRIKE TO WALTERS FERRY (SN10) SECTION OF THE SNAKE RIVER.

STATE REPRESENTATIVE GAYLE WILDE: Representative Wilde, who lives in McCall and represents District 8, stopped to visit with the

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Licensing Board and observe some of the issues being addressed during this session.

JAMK, INC., JIM CRINER, DESIGNATED AGENT: The Director reported to the Board concerning Mr. Criner and the status of the outfitter license for JAMK, Inc. Mr. Criner purchased the outfitter business of Mr. Doug McFerrin in 1991, which included floatboating and fishing on the Orofino to Lewiston (CL3) section of the Clearwater River, floatboating and fishing on the St. Anthony to the confluence (SH3) section of the Henrys Fork, and powerboat fishing on Henrys Lake. At that time, Mr. Criner was not qualified, nor did he have in his employ a qualified guide, to operate on these two river sections or the lake. These issues were discussed at length with him on several occasions and he was encouraged to complete the minimum training requirements to allow final action with regard to upgrading his license and adding these new waters. Proper documentation was provided for Henrys Lake in 1993 but is still lacking for CL3 and SH3 at this time. Following a review and discussion, MSC (Crane--Haynes) THAT IN AS MUCH AS MR. CRINER HAS NOT PERFECTED THE LICENSE REQUIREMENTS FOR EITHER THE CL3 SECTION OF THE CLEARWATER RIVER OR THE SH3 SECTION OF THE HENRYS FORK, BY BECOMING QUALIFIED HIMSELF OR HIRING A QUALIFIED GUIDE TO OPERATE ON THOSE SECTIONS, THAT THESE PORTIONS OF THE LICENSE BE DECLARED RELINQUISHED.

TIM THOMAS, HEART MOUNTAIN OUTFITTERS: The Dubois Ranger District, Targhee National Forest, has requested that the Licensing Board consider removing trailride and backpacking activities from Mr. Thomas' outfitter license because he hasn't been providing these services and he doesn't have them included on his special use permit. Following a review and discussion, MSC (Kovalicky--Haynes) THAT THE BOARD NOT CONSIDER ANY ADVERSE ACTION AGAINST THIS LICENSE AT THIS TIME BASED ON RESTRICTIONS PLACED ON MR. THOMAS BY THE FOREST SERVICE WHICH PREVENT HIM FROM UTILIZING THOSE ACTIVITIES. FURTHER, THE DUBOIS RANGER DISTRICT SHOULD BE ADVISED THAT MR. THOMAS PURCHASED AN EXISTING OUTFITTER BUSINESS IN 1994 THAT INCLUDED THESE ACTIVITIES AND UNTIL THE FOREST SERVICE COMPLETES AN ASSESSMENT AS TO WHETHER TRAILRIDES AND BACKPACKING ARE A PERMITTED ACTIVITY, THE BOARD WILL LEAVE THESE ACTIVITIES INTACT ON THE LICENSE.

U.S. COAST GUARD LICENSING REQUIREMENTS: Board member John A.K. Barker shared information relating to U.S. Coast Guard licensing requirements for motorized float craft. After review and discussion, the Executive Director is instructed to continue monitoring this situation and maintain contact with the various entities that are involved.

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The Board recessed for lunch at 11:47 AM, and reconvened at 1:35 PM.

LENARD PORFILY, OREGON TRAIL ADVENTURES, INC.: Mr. Porfily appeared before the Board for a hearing regarding alleged non-use of his licensed activities on the Pittsburg Landing to Heller Bar or Lewiston (SN14) section of the Snake River. At the conclusion of testimony, the following Findings of Fact were established: 1) Mr. Porfily has not reported use on this stretch of river for the past four seasons; and 2) the viability of this section of the Snake River is in question as to the potential for use because of the status of the Snake River Management Plan being reviewed by the Hells Canyon National Recreation Area. Conclusions of Law is that this does constitute non-use under Licensing Board Rule 024 as described in the Notice of Hearing. Pursuant to these findings, MSC (Crane--Barker) THAT, PURSUANT TO BOARD RULE 024.02, THE BOARD WAIVE NON-USE IN THIS SITUATION UNTIL SUCH TIME AS THE FOREST SERVICE HCNRA RIVER MANAGEMENT PLAN IS FINALIZED AND MR. PORFILY HAS A BETTER GRASP OF WHAT HE'S GOING TO BE ABLE TO DO IN TERMS OF HIS BUSINESS OPERATION ON THIS SECTION OF RIVER.

HIGH DESERT RANCH: Mr. John Youngblood, a businessman from Weiser, Idaho, appeared before the Board along with some other residents of Washington County, to voice his concerns relating to an amendment request by High Desert Ranch for expansion of hunting activities outside the boundaries of the Ranch. This delegation from Weiser presented a number of petitions, representing over five hundred signatures, expressing their opposition to this type of expansion. The content of the petition is included as an addendum to these minutes. High Desert Ranch owner Mr. Jim Clements was also in attendance and presented testimony before the Board in this matter. After receiving all the comments, the group was advised that the amendment request was still under consideration and would hopefully be on the agenda for the June meeting for further action. (ADDENDUM # 1)

ANDRE MOLSEE, dba SHATTUCK CREEK RANCH: The Board reviewed a letter from Mr. Molsee regarding the status of his Huckelberry Haven operation as it relates to outfitting. After reviewing this request, the Board instructed the Executive Director to coordinate with Mr. Scanlin and develop a response to the specific questions that are posed in Mr. Molsee's letter.

The Board recessed for the evening at 4:45 PM and reconvened on Wednesday, April 26, 1995, at 8:30 am with all Board members present.

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STATE CHARTER AIRCRAFT REQUIREMENTS: The Board reviewed the proposed Policy Memorandum #95-2, CHARTER OR RENTED AIRCRAFT AND PILOT REQUIREMENTS. After a review and discussion, MSC (Haynes--Crane) THAT THE BOARD PROCEED WITH ADOPTION OF THIS POLICY.

TREMAIN ALBRIGHT, dba Saddlehorn Ranch: Mr. Albright appeared before the Board to discuss his proposal for development of an outfitter business both on his private 115 acre ranch as well as limited portions of the Panhandle National Forest adjacent to his property. His proposed activities would include horse and llama pack trips, backpacking excursions, and canoeing and fishing trips on the Kootenai River. After a review and discussion, MSC (Barker--Haynes) THAT THIS APPLICATION BE APPROVED FOR A PROBATIONARY LICENSE UPON COMPLETION OF ALL NECESSARY PAPERWORK. **Administrative note:** A written response from the Department of Fish & Game should be included in the file.

HEAVENS GATE OUTFITTERS, INC., DARWIN VANDER ESCH, DESIGNATED AGENT: Mr. Vander Esch and Mr. John Law appeared before the Board to discuss their intent to purchase the outfitter business currently licensed to SD Outfitters, Inc. Following a lengthy review and discussion with Mr. Vander Esch and Mr. Law, MSC (Kovalicky--Barker) THAT THIS SALE AND TRANSFER OF BUSINESS BE APPROVED LIMITING THE ACTIVITIES AND BOUNDARIES TO THOSE CURRENTLY OUTLINED IN THE SD OUTFITTERS, INC., LICENSE. FURTHER, IT IS UNDERSTOOD THAT NO ACTIVITIES WILL TAKE PLACE ON ANY NATIONAL FOREST LANDS UNTIL THE PROPER SPECIAL USE PERMITS HAVE BEEN APPROVED AND ISSUED BY THE APPROPRIATE RANGER DISTRICTS.

The Board recessed for lunch at 12:00 PM and reconvened at 1:30 PM with all Board members present.

AL DUNN, MOUNTAIN STREAM FISHING AND OUTFITTERS: The Board reviewed a letter from Al Dunn requesting permission to be inactive with his outfitting business during the 1995-96 license year. After a review and discussion, MSC (Kovalicky--Crane) THAT MR. DUNN BE ADVISED HE MUST RENEW HIS LICENSE TO MAINTAIN A PRIORITY INTEREST, HOWEVER, THE BOARD WILL WAIVE BONDING AND INSURANCE REQUIREMENTS PROVIDED HE DOES NOT CONDUCT ANY OUTFITTED ACTIVITIES DURING THIS PERIOD OF TIME.

BILL BERNT, dba: AGGIPAH RIVER TRIPS: The Board reviewed a letter from Mr. Bernt in which he requested a waiver to run a client on a special trip from the SA5 section of the Salmon River through SA7 and SA8 to Lewiston. He has received approval from the BLM in Cottonwood to conduct the portion through SA7, for which he is not licensed. After a review and discussion, MSC (Kovalicky--

Crane) THAT MR. BERNT BE ADVISED A SPECIAL AMENDMENT WILL BE APPROVED FOR HIS LICENSE PROVIDING HE CAN SECURE SIGNED AGREEMENTS FROM THE CURRENT LICENSEES ON THAT SECTION, OR AS AN ALTERNATIVE, HE SHOULD ATTEMPT TO ASSOCIATE WITH A LICENSED OUTFITTER TO CONDUCT THE TRIP ON THAT PARTICULAR SECTION.

ALAN LAMM, MAINSTREAM ADVENTURES: The Board met with Mr. Lamm to discuss his formal request for a rule change on the upper portion of the Snake River in Hells Canyon to add an additional slot for power boating activity. After review and discussion, MSC (Barker--Haynes)(Crane-nay, Kovalicky-nay, Barker-aye, Haynes-aye, Baird-aye) THAT THE BOARD ACCEPT THIS PETITION AND INITIATE RESEARCH INTO THE ACCEPTABILITY OF THE REQUEST.

EXECUTIVE DIRECTOR: The Board reviewed the actions taken by the Executive Director on behalf of the Board since the last meeting, primarily the approval of a sale and transfer of outfitter business. After review and discussion, MSC (Crane--Kovalicky) THAT THIS ACTION BE APPROVED.

PROPOSED RULE CHANGES: Following a final review and discussion of the proposed changes to the Outfitters and Guides Licensing Board rules, MSC (Haynes--Crane) THAT THE LICENSING BOARD ADOPT THE RECOMMENDED RULE CHANGES AS PROMULGATED AND AMENDED, AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 1995.

PRIEST LAKE OPPORTUNITIES: The Board reviewed information regarding a proposal developed jointly by the Priest Lake Ranger District and the Licensing Board relating to recreational activities and new opportunities on portions of the District. A solicitation for applications was circulated and as a result of this advertising and solicitation, three applications were received. Following a review of the operating plans and other materials contained with these applications, MSC (Kovalicky--Barker) THAT: #1, THE APPLICATION OF DON HENRICHS BE REJECTED BASED ON THE DEPTH AND QUALITY OF EXPERIENCE AND ABILITY TO CONDUCT THIS TYPE OF OPERATION; #2, THE PRIEST LAKE GUIDE SERVICE LICENSE BE AMENDED TO INCLUDE BACKPACKING, DAY HIKES, MOUNTAIN BIKE TOURS, CROSS COUNTRY SKIING, SNOW CAMPING, PHOTOGRAPHY TRIPS AND INCIDENTAL FISHING ON THOSE AREAS OUTLINED IN THE PROSPECTUS; #3, THAT THE OUTFITTER LICENSE OF DUNCAN & PRENTICE BE AMENDED TO INCLUDE TRAILRIDES AND SNOWMOBILING IN THOSE SAME AREAS AS OUTLINED. **Administrative note:** Mr. Brookshire, Priest Lake Guide Service, should be advised that wagonrides and sleighrides, as well as the hunting opportunity in the state of Washington, do not come under the purview of the Licensing Board.

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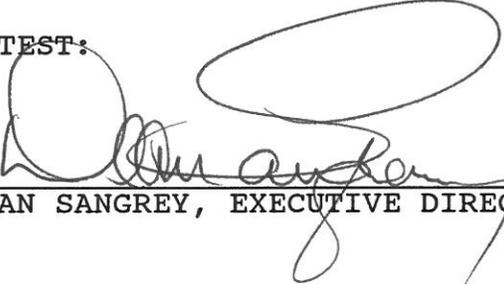
PENDING COMPLAINT REPORT: After review and discussion of this report, MSC (Crane--Barker) THAT THE BOARD ACCEPT THE ACTIONS THAT HAVE BEEN TAKEN TO DATE ON THEIR BEHALF IN TRYING TO RESOLVE THESE PENDING CASES.

NEW GUIDE AND OUTFITTER LICENSES: The Board reviewed the list of new guide and outfitter licenses which have been issued since the last Board meeting and require approval. Following a review of the list, MSC (Barker--Crane) THAT THESE LICENSES BE APPROVED.

There being no further business to come before the Board, the meeting was adjourned at 5:30 PM.



DALE BAIRD, CHAIRMAN OF THE BOARD

ATTEST:


DEAN SANGREY, EXECUTIVE DIRECTOR

ADDENDUM #1
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HIGH DESERT RANCH, INC.
Jay Reedy, Jeffrey Widener, Designated Agents

OPERATING AREA FOR HUNTING UPLAND BIRDS
(IDF&G Shooting Preserve License #3287)

The area covered by the Department of Fish & Game shooting preserve license is situated within the property description attached hereto. The following species are authorized to be hunted under this outfitter license and preserve permit: pheasant; chukar; bobwhite, valley, and gambel's quail; ruffed, blue, and sharp-tailed grouse; hungarian partridge. (Baker quadrangle BLM map #23) (IDF&G Unit 32).

ADDITIONAL OPERATING AREA FOR HUNTING DEER, ELK,
BEAR, COUGAR, AND FOREST GROUSE, AND FISHING

Hunting activities may be conducted on High Desert Ranch, Inc., property, and on leased property known as the Soulen Ranch, situated in Washington County, Idaho. Cougar hunting will cease each year at such time as a client, or employee, while acting in that capacity for HDR, harvests a female cougar.

Fishing is authorized as follows:

Brownlee, Oxbow, Hells Canyon, and C.J. Strike Reservoirs, with the exception that no BLM lake shore facilities at C.J. Strike may be used until such time as High Desert Ranch has secured proper authorization from BLM.

Paddock, Crane Creek and Black Canyon Reservoirs, and the Payette River from Black Canyon Dam to its mouth, no restrictions.

Weiser River from Midvale to its mouth, catch and release only for trout.

Middle Fork Weiser River, Little Weiser River, Rock Creek, Mineral Creek, Mann's Creek, Lost Creek, and Wildhorse Creek, catch and release only, maximum of two trips per week, not to exceed 6 anglers per week.

CONDITION: Any private lands in the above area description are not covered by this outfitter license unless signed permission/lease is obtained and filed with the Board.

License No. 6980 (7/95)