

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

JUNE 26 - 29, 1995

APPROVED MINUTES

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 in Boise at 8:30 AM, June 26, 1995. All Board members were present, as well as Executive Director Dean Sangrey, Board Attorney Steve Scanlin, and William Vetesy, Education/Law Enforcement Supervisor.

EXECUTIVE SESSION: In accordance with the provisions of §67-2345, Idaho Code, MSC (Crane--Kovalicky) that the Board go into Executive Session to discuss pending litigation and personnel matters. The Board went into Executive Session at 8:35 AM and came out at 9:00 AM with no decisions made.

TERRY BOLINDER: Board Prosecuting Attorney Nicole McKay presented an update on the Terry Bolinder case advising that Mr. Bolinder has agreed to a stipulated settlement in the amount of \$200.00 relative to his conviction for a Fish & Game violation in 1994. After review and discussion, MSC (Kovalicky--Haynes) THAT THE BOARD ACCEPTS THIS SETTLEMENT IN LIEU OF HAVING A SHOW CAUSE HEARING.

JACK McMAHON AND DAVID HIGH: Mr. McMahon and Mr. High appeared before the Board on behalf of Idaho Attorney General Al Lance to discuss recent staff changes in their agency and how that may affect current and future legal service agreements between the AG's office and the Board. They also talked about SB 1217, the Legal Services Unification Bill, and what different options are available to the Licensing Board as a state self-governing agency.

STEVE SCANLIN: Mr. Scanlin discussed his proposal to provide legal services for the Board. Based on this discussion, and in view of Mr. Scanlin's extensive experience as legal representative for the Board, MSC (Barker--Haynes) THAT THE BOARD RETAIN MR. SCANLIN AS IT'S LEGAL COUNSEL UNDER THE PROVISIONS OF A SERVICES CONTRACT NEGOTIATED WITH THE EXECUTIVE DIRECTOR. PROSECUTORIAL SERVICES WILL BE ARRANGED WITH SEPARATE OUTSIDE LEGAL COUNSEL ON

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A CONTRACT BASIS AS NEEDED. **Administrative Note:** This negotiation for Board legal services should be completed effective July 1, 1995.

EXECUTIVE SESSION: In accordance with the provisions of §67-2345, Idaho Code, MSC Kovalicky--Haynes) that the Board go into Executive Session to discuss personnel matters. The Board went into Executive Session at 11:55 AM and came out at 12:05 PM with no decisions made.

The Board adjourned for lunch at 12:15 PM and reconvened at 1:30 PM with all Board members present.

HIGH DESERT RANCH, INC.: The Board met with Jim Clements, Designated Agent for High Desert Ranch, to continue deliberations relative to their pending outfitter license amendment request to add certain big game hunting and fishing activities to their license. Phil Soulen, Harry Soulen, and Margaret Soulen appeared on behalf of High Desert Ranch to explain their interest in the proposal and support of the amendment, insofar as a large part of the proposed activities would take place on their private property. John Youngblood, Dennis White, Brent Dunn, and Linn Gibson, residents of Weiser, Idaho, also were present and expressed their concerns about the negative impacts that may arise out of an expanded commercial hunting operation in the community. After review and discussion, MSC (Kovalicky--Crane) THAT THE AMENDMENT REQUEST BE APPROVED LIMITING HUNTING ACTIVITIES TO ELK, DEER, MOUNTAIN LION, BEAR, AND FOREST GROUSE ON THOSE AREAS OF PRIVATE LAND IN F&G MANAGEMENT UNITS 31 AND 32 FOR WHICH HIGH DESERT RANCH HAS RECEIVED SIGNED PERMISSION FROM THE PROPERTY OWNER, AS WELL AS THE PRIVATE HOLDINGS OF HIGH DESERT RANCH, INC., WITH A MAXIMUM HARVEST OF 18 DEER AND ELK PER SEASON. FURTHER, THAT COUGAR HUNTING WILL CEASE IN ANY GIVEN YEAR ONCE A CLIENT OR EMPLOYEE OF HIGH DESERT RANCH TAKES A FEMALE COUGAR. FURTHER, THAT THE REQUEST FOR FISHING ACTIVITIES BE APPROVED WITH THE FOLLOWING LIMITATIONS: BROWNLEE, OXBOW, HELLS CANYON, AND C.J. STRIKE RESERVOIRS ARE APPROVED WITH THE EXCEPTION THAT NO BLM LAKE SHORE FACILITIES AT C.J. STRIKE BE USED UNTIL SUCH TIME AS HIGH DESERT RANCH HAS SECURED PROPER AUTHORIZATION FROM THE 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. NOT APPROVED: LOST VALLEY RESERVOIR (LOST LAKE RESERVOIR) AND MANN'S CREEK RESERVOIR (SPANGLER RESERVOIR). Addendum #1

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TIM FLAHERTY: Mr. Flaherty came before the Board to discuss his application to guide for Mackay Wilderness River Trips. Mr. Flaherty was convicted of a felony drug charge in 1994 and is currently on probation. After review and discussion, MSC (Kovalicky--Haynes) THAT MR. FLAHERTY'S APPLICATION BE DENIED. FURTHER, WHEN HE SUCCESSFULLY COMPLETES HIS COURT ORDERED PROBATION, HE CAN AGAIN CONSIDER APPLYING FOR AN IDAHO GUIDES LICENSE.

WILLIAM TORNGREN: Mr. Torngren appeared before the Board to discuss his application for a guide license for employment with Rick's College. The Board noted that Mr. Torngren was convicted of violating Idaho Fish and Game regulations for taking an elk during closed season in 1994. After review and discussion, MSC (Kovalicky--Barker) THAT MR. TORNGREN'S GUIDE LICENSE APPLICATION BE DENIED FOR THE 1995-96 SEASON.

WILLIAM VETESY: Board Education/Law Enforcement Supervisor Bill Vetesy presented his report to the Board. He reviewed several ongoing projects and cases, including plans for a statewide advertising campaign using a series of strategically located billboards and focusing on informing the public about unlicensed outfitting and guiding activities. At the conclusion of this review and discussion, MSC (Barker--Kovalicky) THAT THIS PROJECT BE APPROVED, AND THAT THE DIRECTOR PROCEED WITH FORMAL ADOPTION OF THE BACKCOUNTRY RANGER COOPERATIVE AGREEMENT WITH THE FOREST SERVICE AND IDAHO DEPARTMENT OF FISH & GAME ONCE IT IS PRESENTED TO THE BOARD.

HARVEY WHITTEN: Mr. Whitten appeared before the Board to discuss a proposed amendment request to add elk hunting and certain recreational activities to his outfitter license in a portion of the Payette National Forest situated southeast of Riggins and his currently licensed operating area. Jim Arp and Ralph Geibel, representing the Payette National Forest, presented comments and responded to questions from the Board regarding Mr. Whitten's proposal. Mr. Whitten was advised that the Payette Forest hasn't completed an environmental impact statement yet for that area and won't comment on any licensing until that has been completed. In addition, Mr. Whitten inquired about the private, BLM, and Idaho State lands included within his requested area. He was advised to consider modifying his amendment request and obtain land manager sign-offs from those various land managers. At that time, the Board will re-evaluate his request.

The Board adjourned at 5:20 PM and reconvened at 8:35 AM, Tuesday, June 27, 1995, with all Board members present as well as

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Board's executive director, legal counsel and education/law enforcement supervisor.

STATE VEHICLE POLICY: In anticipation of taking delivery of the Board's first state-owned vehicle, Bill Vetesy presented a state vehicle use policy for the Boards review and consideration. Following a review and discussion, MSC (Kovalicky--Haynes) THAT THE BOARD APPROVE THE POLICY AS PRESENTED. Addendum #2

PATRICK K. ACKLEY: The Board met with Mr. Ackley to review his guide license application, noting his 1993 conviction for violating Idaho Fish & Game laws. After a review and discussion, MSC (Kovalicky--Haynes) THAT MR. ACKLEY'S GUIDE LICENSE BE APPROVED, BUT THAT IT BE ISSUED PROBATIONARY WITH PROBATION TO RUN FOR TWO YEARS WITH THE TERMS OF PROBATION BEING THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS, AND NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION WHICH WILL EXPIRE MARCH 31, 1997.

REED CROSBIE: The Board reviewed the 1995-96 guide license application submitted by Mr. Crosbie for employment with Spence Warner. Review of the application shows Mr. Crosbie indicated he has no history of Fish and Game violations, but further investigation revealed he has had six violations dating back to 1978. At the conclusion of this review, MSC (Crane--Barker) THAT THIS LICENSE APPLICATION BE DENIED.

EXECUTIVE SESSION: In accordance with the provisions of §67-2345, Idaho Code, MSC (Haynes--Barker) that the Board go into executive session for discussion of personnel matters. The Board went into Executive Session at 10:55 AM and came out at 12:10 PM with no decisions made.

The Board adjourned for lunch at 12:10 PM and reconvened at 1:30 PM with all members present.

JOEL SILVERMAN: Mr. Silverman met with the Board regarding his 1995-96 guide license application, advising that he'd been convicted of a minor Fish and Wildlife violation in the state of Montana. After review and discussion, MSC (Kovalicky--Crane) THAT THIS GUIDE LICENSE BE ISSUED WITHOUT RESTRICTION.

CARTER J. ANDREWS: Mr. Andrews appeared before the Board to discuss his 1995-96 guide license application and the fact that he had been denied a license in 1994 for falsifying the outfitter's signature on his application. After review and discussion, and affirmation of the fact that the outfitter had instructed Mr. Andrews to sign his name to the application, MSC

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(Crane--Haynes) THAT MR. ANDREW'S GUIDE LICENSE APPLICATION FOR 1995 BE APPROVED WITHOUT RESTRICTION.

DON HOUK: Mr. Houk met with the Board to discuss the application he has submitted for an outfitter license on Lake Coeur d'Alene. Following the interview with Mr. Houk, the Board instructed the Director to proceed with advertising and solicitation of applications to fill the current existing vacancies on Lake Coeur d'Alene. Mr. Houk's application will be considered along with any others received, and his Fish and Game violations appropriately considered when selecting the successful candidate(s).

CHAD CORBIN: Mr. Corbin met with the Board to discuss his guide license application, noting he was convicted of a Fish and Game violation in 1992. After review and discussion, MSC (Barker--Crane) THAT MR. CORBIN BE APPROVED FOR A 1995-96 GUIDE LICENSE, BUT THAT IT BE ISSUED PROBATIONARY, WITH TERMS OF PROBATION BEING THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS, AND THAT NO AMENDMENTS BE CONSIDERED FOR THIS LICENSE DURING THE TERM OF PROBATION WHICH WILL EXPIRE MARCH 31, 1996.

The Board meeting recessed at 5:30 PM and reconvened at 8:30 AM, June 28, 1995, with all Board members present.

CLINT GOODE: Mr. Goode appeared before the Board to discuss his application for a 1995-96 guide license for employment with Idaho River Expeditions. They noted Mr. Goode had acknowledged being convicted of a felony in Morgan, Utah, in 1994. After review and discussion, MSC (Haynes--Kovalicky) THAT THIS APPLICATION BE DENIED FOR THE 1995-96 LICENSE YEAR.

KEVIN MADISON, TRAVIS MONCRIEF, AND JOHN WAGNER: All three of these individuals appeared before the Board to discuss their pending 1995-96 guide license applications. All three were convicted in Montana in 1995 for filing false information regarding their residency status. After review and discussion, MS (Haynes--Kovalicky) THAT THESE LICENSES BE DENIED. Crane moved to table the motion. This decision was unanimous. After further deliberations, MSC (Barker--Haynes)(Unanimous) that the motion be brought back before the Board for further consideration. At the conclusion of the discussion, MSC (Haynes--Barker)(Crane-nay, Kovalicky-nay, Barker-aye, Haynes-aye, Baird-aye) THAT THE GUIDE LICENSE APPLICATIONS FOR KEVIN MADISON, TRAVIS MONCRIEF, AND JOHN WAGNER, BE DENIED. **Administrative Note:** It will be noted in Mr. Moncrief's file that when they returned later in the meeting to inquire as to the Board's decision regarding their applications, Mr. Moncrief got up from his chair

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in the middle of the Director's explanation, kicked a chair across the floor of the office, and left without saying anything further.

SCOTT FARR: The Board met with Mr. Farr to address the pending sale and transfer of the Cougar Ranch Outfitters business to him, as well as his applications to be licensed as designated agent for Cougar Ranch Outfitters, Loon Creek Ranch, Inc., and Middle Fork Lodge, Inc. During this discussion, the Board reviewed every detail of the incident in 1994 involving Mr. Farr pleading guilty to trespassing on private property. Following a thorough review and discussion, MSC (Haynes--Crane) (Barker--nay, Haynes--aye, Crane--aye, Kovalicky--nay, Baird--aye) THAT THE SALE AND TRANSFER OF BUSINESS BE APPROVED, THAT MR. FARR BE ISSUED DESIGNATED AGENT LICENSES, QUALIFIED TO GUIDE, FOR ALL THREE BUSINESSES, BUT THAT THEY BE ISSUED PROBATIONARY FOR THE 1995-96 LICENSE YEAR. THE TERMS OF PROBATION ARE THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS, AND THAT NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSES DURING THE PERIOD OF PROBATION WHICH WILL EXPIRE MARCH 31, 1996.

APRIL MINUTES: The Director presented the final draft of the April, 1995, Board meeting minutes for review and approval, after which, MSC (Barker--Haynes) THAT THESE MINUTES BE APPROVED WITH THE FOLLOWING CORRECTION: THE ENTRY ADDRESSING THE BOARD'S PROPOSED RULE CHANGES ON PAGE 7 BE CHANGED TO REFLECT THE CORRECT EFFECTIVE DATE OF MAY 1, 1995.

JACK OAR: The Board reviewed a letter from Mr. Oar in which he inquired about the necessity for him to obtain an outfitter license in order to have people accompany him, for a fee, to view his falcon hunting operation. The Board directs Mr. Scanlin to review this matter and prepare a response as soon as possible.

SOUTH IDAHO MEDICAL SERVICES: The Board reviewed a course curriculum submitted by South Idaho Medical Services in Shoshone, Idaho, for a basic first aid course. After review and discussion, MSC (Barker--Haynes) THAT THE EXECUTIVE DIRECTOR BE GIVEN AUTHORITY IN THE FUTURE TO EVALUATE THIS TYPE OF COURSE OUTLINE AND MAKE A DETERMINATION AS TO WHETHER THE COURSE MEETS THE REQUIREMENTS OF BOARD RULES. THE BASIC REQUIREMENTS WOULD INCLUDE THAT: 1) THERE BE A CARD OR CERTIFICATE ISSUED TO THE INDIVIDUAL TO IDENTIFY THAT THE COURSE WAS SATISFACTORILY COMPLETED, 2) A COURSE RECORD BE MAINTAINED BY THE PROVIDER FOR FUTURE VERIFICATION, AND 3) WHENEVER POSSIBLE, A DETERMINATION SHOULD BE MADE WHETHER THE COURSE IN QUESTION IS RECOGNIZED BY OTHER AGENCIES AT EITHER THE LOCAL, REGIONAL, OR NATIONAL LEVEL.

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GARY BROOKSHIRE: The Board reviewed a letter from Mr. Brookshire in which he requested the Board waive the \$75.00 amendment fee presently required for an upgrade to his license. After review and discussion, MSC (Barker--Kovalicky) THAT THIS FEE REQUIREMENT NOT BE WAIVED.

The Board recessed for lunch at 11:55 AM and reconvened at 1:30 PM with all members present.

ROBERT J. PORTER: The Board met with Mr. Porter regarding his 1995-96 guide license application, noting he had been convicted of a Fish and Game violation in 1994 for taking a wild turkey during the closed season. Mr. Porter indicated on his application that he had not been convicted of a Fish and Game violation. After review and discussion, MSC (Crane--Kovalicky) THAT THIS APPLICATION BE DENIED.

EMILY HART: The Board reviewed a guide license application from Ms. Hart, noting that Board staff had suspended processing of her application this spring when it became apparent she had altered the date on her first aid card. She admitted falsifying the card, but explained that the date had become obliterated and she inserted the wrong date when trying to make the card legible. After review and discussion, MSC (Kovalicky--Crane) THAT THIS LICENSE APPLICATION BE DENIED.

The Board recessed for the evening at 5:00 PM and reconvened at 8:30 AM, June 29, 1995, with all Board members present.

JIM STONE AND ANDY PARKER, dba: THREE GREEN OUTFITTERS: Mr. Stone and Mr. Parker met with the Board to discuss their proposal to conduct a limited walk and wade fly fishing business on certain segments of the Bear River. After review and discussion, MSC (Barker--Crane) THAT A MODIFIED VERSION OF THE APPLICATION BE APPROVED UPON COMPLETION OF ALL NECESSARY PAPERWORK. THE PRIMARY MODIFICATION TO THE OPERATING PLAN ELIMINATES ANY LICENSING CONSIDERATION OF THE STRETCH KNOWN AS THE ONEIDA NARROWS. FURTHER, THE EXECUTIVE DIRECTOR WILL DEVELOP CERTAIN RESTRICTIONS TO THEIR OPERATING LICENSE IN CONJUNCTION WITH RECOMMENDATIONS AS SUBMITTED BY THE DEPARTMENT OF FISH & GAME.

BEN FARRER: The Board reviewed a guide license application submitted by Mr. Farrer for employment with Epley's Whitewater Adventures, noting he had been convicted of a Fish & Game violation in 1992. After review and discussion, MSC (Crane--Kovalicky) THIS LICENSE BE ISSUED WITHOUT RESTRICTION.

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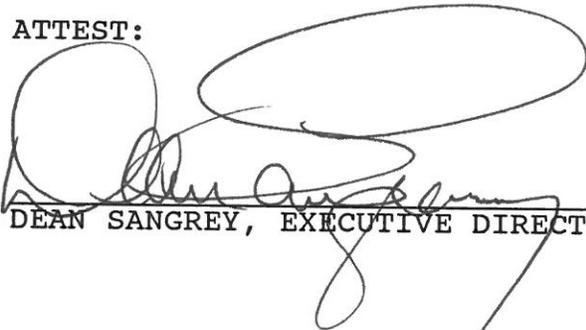
Chairman Baird expressed his appreciation and pleasure in having served as a member and chairman of the Licensing Board over the last nine years. He expressed his enjoyment in having been associated with the other board members and office staff and wished everyone the best of luck in their future endeavors.

There being no further business to come before the Board, the meeting was adjourned at 1:45 PM.



LEO CRANE, CHAIRMAN OF THE BOARD

ATTEST:



DEAN SANGREY, EXECUTIVE DIRECTOR