

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

AUGUST 28 - 30, 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 8:30 AM, Monday, August 28, 1995, with Board members Leo Crane, Diana Haynes, Bill Bernt Wayne Hunsucker, and Dale Baird present. Executive Director Dean Sangrey, Board counsel Steve Scanlin, and Education/Law Enforcement Supervisor Bill Vetesy were also present.

**New Board Members:** Leo Crane is serving as Acting Chairman for this meeting, insofar as former chairman Dale Baird's term officially expired on June 30, 1995. Also, new members Bill Bernt and Wayne Hunsucker were officially welcomed to the Licensing Board, both having recently been appointed by Governor Batt to replace outgoing members John A.K. Barker and Tom Kovalicky.

**Staff Reports: Executive Director** - Dean Sangrey introduced the office staff to the new members of the Board and then reviewed the major topics included in the agenda for the Board meeting. He also presented brief reports on the current status of the Fairchild AFB issue, considerations regarding Lake Coeur d'Alene, Lake Pend Oreille, and Priest Lake, reciprocity on the Snake River at Lewiston, and other minor issues.

**Steve Scanlin** - Steve updated the Board on the current legal issues affecting the Board, reviewed his agreement for legal services, and introduced Steve Tobiason, who has been hired to represent the Board as prosecutor for all of their cases.

**Bill Vetesy** - Bill presented an update on his ongoing efforts with the education program, including an example of the billboard message that's been prepared for statewide distribution later this year and in 1996. He also gave a status report on current cases, complaints, enforcement personnel, and the agency's new vehicle.

**Lake Coeur d'Alene Vacancies:** Following the Director's status report on available opportunities on Lake Coeur d'Alene and Lake Pend Oreille, the Board requested that up to three vacancies will be considered on Lake Coeur d'Alene and advertised for licensing consideration and all acceptable applications prepared for review at the next Board meeting. It was also determined that consideration of any additional licensing for Lake Pend Oreille will be taken up if and when any applications are made.

**Tim Craig, Boulder Creek Outfitters:** Mr. Craig appeared before the Board to discuss his pending amendment request that approximately 2,700 acres of private property belonging to Mr. Tom Mosman be added to his licensed operating area. He has obtained written permission from Mr. Mosman and also reached agreement with the Department of Fish & Game regarding their recommendations for establishment of limitations on the number of deer and elk hunters permitted to hunt in this new area. At the conclusion of the interview and further discussion with the Board, MSC (Hunsucker--Baird) THAT THE REQUEST FOR ADDING DEER AND ELK HUNTING IN THIS PORTION OF F&G UNIT 11A BE APPROVED IN CONJUNCTION WITH RECOMMENDATIONS FROM THE DEPARTMENT OF FISH AND GAME IN THEIR LETTER DATED AUGUST 8, 1995. THESE RECOMMENDATIONS INCLUDE: A MAXIMUM OF TEN DEER HUNTERS AND FOUR ELK HUNTERS PER SEASON; BEAR AND COUGAR HUNTING LIMITED TO THE PORTION OF THE MOSMAN PROPERTY IDENTIFIED AS AREA #1 ON THE AMENDMENT REQUEST MAP. AREA #1 IS THE LARGER OF THE THREE APPROVED PARCELS, STRADDLES THE LEWIS/NEZ PERCE COUNTY LINE, AND INCORPORATES PORTIONS OF SEC. 1, T35N, R1E, BM; PORTIONS OF SECS. 4, 5, 6, 7, 8, & 9, T35N, R1E, BM; AND PORTIONS OF SECS. 28, 29, 30, 31, 32 & 33, T36N, R1E, BM. In accordance with the current moratorium the Licensing Board has with the Idaho Department of Fish & Game, chukar hunting is not included in this approval. Additionally, Gregg Servheen and George Pauley suggested that the Board consider taking advantage of an offer to utilize the Department's G.I.S. mapping system at the headquarters office. They offered to work with the Director to investigate the possibilities for integrating this computer mapping system into the statewide licensed outfitter area operator system currently in use by the Board.

**Walker McCutchen:** The Board held a conference call with Mr. McCutchen to discuss his pending 1995-96 guide license application for employment with Cheryl Bransford. He was denied a guide license in 1994 based on evidence he had altered the date on his first aid card. Following the interview with Mr. McCutchen and his discussion with the Board, MSC (Baird--Haynes) THAT HIS 1995-96 GUIDE LICENSE BE APPROVED, PROBATIONARY, FOR THE REMAINDER OF THIS LICENSE YEAR. THE TERMS OF PROBATION INCLUDE THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS, AND THAT

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NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE MARCH 31, 1996.

**Edd Woslum, dba Yellow Wolf Ranch:** During the earlier discussion regarding the amendment to Tim Craig's outfitter license, questions arose about the extent of approved activities authorized for the Yellow Wolf Ranch outfitting operation. It was reported Mr. Woslum apparently is hunting in excess of 25 to 30 clients per season, and the original approval on his license, in accordance with his operating plan request, should have been for a combination of only six total clients for both deer and elk. As it appears there may be a misunderstanding regarding the exact approvals authorized for Mr. Woslum's outfitter operations as to the number of clients or big game animals he can harvest, MSC (Hunsucker--Haynes) THAT APPROPRIATE STEPS BE TAKEN TO RESEARCH THIS MATTER AND DISCUSS THE SITUATION WITH MR. WOSLUM. IF IT IS DETERMINED AN ADJUSTMENT IS REQUIRED ON THE OUTFITTER LICENSE, THIS CHANGE SHOULD BE EFFECTIVE FOR THE 1996-97 BIG GAME SEASON.

**David Brock:** Mr. Brock appeared before the Board to discuss his pending application for a powerboat fishing license on Cascade Reservoir. He and his business partner, John Rosenthal, explained their interest in being licensed for this opportunity, and described the equipment they would use and marketing ideas for promoting the business.

**Tom Lanham:** Mr. Lanham appeared to discuss his 1995-96 guide application for employment with Loon Creek Ranch, explaining the circumstances surrounding the Fish & Game conviction he received in 1992. Following this discussion, MSC (Baird--Bernt) THAT THE LICENSE BE APPROVED PROBATIONARY FOR THE 1995-96 HUNTING SEASON, WITH TERMS OF PROBATION THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS, AND THAT NO AMENDMENTS BE APPROVED FOR HIS GUIDE LICENSE DURING THE TERM OF PROBATION, WHICH EXPIRES MARCH 31, 1996.

**John Fend, Cascade Area Manager, Bureau of Land Management:** Mr. Fend met with the Board to review the status of their ongoing analysis of the Special Recreation Use Permit submitted to their office by Jim Clements, owner of High Desert Ranch, Inc. Brain Whitlock, Field Director for U.S. Senator Dirk Kempthorne, and Tracey Trent, Southwest Region Supervisor for the Department of Fish & Game, were also in attendance. Mr. Fend reported on the results of a public open house which was held in Weiser, Idaho, on Monday, August 21, 1995, and attended by approximately 230 local residents. Director Sangrey also attended that public

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meeting. Approximately 35 individuals testified before Mr. Fend, and all expressed their disapproval with the proposed expansion of High Desert Ranch outfitted services on public lands. The theme of everyone's comments dealt with the perception that public access was going to be restricted or eliminated by the expansion of these outfitter activities. At the conclusion of Mr. Fend's presentation, the Board instructed the Director to inform the BLM that based on the substantially adverse commentary presented by local residents and the potential for severe conflicts with public users, the Board strongly recommends that these social issues be resolved prior to the completion of the BLM permitting process. One possible solution might include an appropriate land exchange that would ensure continued access for the general public to the lands in question.

The meeting recessed at 5:20 PM, and reconvened at 8:35 AM, Tuesday, August 29, 1995, with all Board members present as well as the executive director and Board counsel.

**Selway-Magruder Outfitters, Inc., Ken Wells, Designated Agent:**

Mr. Wells appeared in a show cause hearing to respond to allegations relating to inhumane treatment of animals, unethical or unprofessional conduct, breach of contract with clients, and failure to provide for the safety of his clients. Maria Bott, with the U.S. Forest Service West Fork Ranger District, and former clients Mike Warfield and Louis Lincoln, were also in attendance. At the conclusion of testimony, the following Findings of Fact were established: 1) Selway-Magruder Outfitters agreed and contracted to provide outfitter drop camp services in September of 1994 to hunting groups in the Little Clearwater and Lonely camps in the outfitter's assigned operating area; 2) Facts presented showed that there were no serious injuries to the animals and there were no facts showing that the outfitter did not provide proper feed or water. Facts otherwise did not show that there was inhumane treatment of animals; and 3) Respondent had five drop camps in the area. He did not understand the size of the undertaking and did not have base camps set-up. He was unprepared and didn't have enough help to do the job. Respondent's inexperience and decisions in getting his clients out of their camps to safety was unprofessional conduct, further demonstrated in that he did not communicate with the Little Clearwater Camp clients and did not give the reasons for not helping them out. He did not pack-out personnel and equipment as promised, possibly endangering the health and safety of his clients. Respondent did not otherwise provide full services as agreed, resulting in breach of contract. Respondent further demonstrated unprofessional conduct in that he was not diligent in cleaning up camps and was not prepared to do so. Based on these findings, the Conclusions of Law are: 1) A violation of

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§§36-2103 (exempt organizations) and 36-2113(a)(10) & (12), (alleged inhumane treatment of animals), Idaho Code, has not occurred; and 2) The other enumerated actions constitute violations of §36-2113(a)(5) (unethical/ unprofessional conduct), and (7) (a substantial breach of any contract with any person utilizing an outfitter's services), Idaho Code. Based on these findings, MSC (Baird--Hunsucker) THAT 1) THE CHARGES FILED IN THIS MATTER REGARDING INHUMANE TREATMENT OF ANIMALS BE, AND THE SAME ARE, HEREBY DISMISSED; and 2) THAT THE OUTFITTER LICENSE OF SELWAY-MAGRUDER OUTFITTERS, INC., BE SUSPENDED UNTIL THE BOARD IS ASSURED THAT MR. WELLS HAS SECURED QUALIFIED PERSONNEL AND ADEQUATE STOCK TO SERVE CLIENTS IN HIS OUTFITTER OPERATION, AND UNTIL A CLEARANCE AND OTHER NECESSARY PERMITS AND SIGN-OFFS HAVE BEEN OBTAINED FROM THE FOREST SERVICE TO HANDLE CLIENTS BOOKED FOR THE 1995 FALL HUNTING SEASON. ONCE THESE REQUIREMENTS HAVE BEEN MET, THE BOARD FURTHER DIRECTS THAT THE SELWAY-MAGRUDER OUTFITTERS, INC., 1995-96 AND 1996-97 LICENSES BE ISSUED PROBATIONARY. IN ADDITION TO THE USUAL TERMS OF PROBATION THAT MR. WELLS NOT VIOLATE ANY LOCAL, STATE OR FEDERAL LAWS AND THAT THERE BE NO AMENDMENTS TO HIS LICENSE DURING THE PERIOD OF PROBATION, THE BOARD FURTHER DIRECTS THAT SELWAY-MAGRUDER OUTFITTERS MAKE RESTITUTION TO THOSE CLIENTS INVOLVED AT LONELY CAMP AND LITTLE CLEARWATER CAMP TO THE SATISFACTION OF ALL THE PARTIES INVOLVED, SAID RESTITUTION TO BE ACCOMPLISHED PRIOR TO MARCH 31, 1997.

**Bret Silver, Hagerman Valley Outfitters:** Mr. Silver met with the Board to review his proposal for amended outfitter operations on the advertised vacancies on the Snake River around Twin Falls.

**Doug Laughrin:** Mr. Laughrin appeared before the Board to discuss his application for a 1995-96 guide license and the fact that he has a felony conviction on his records. Following discussion with Mr. Laughrin, MSC (Bernt--Haynes) THAT THIS LICENSE APPLICATION BE APPROVED, UNRESTRICTED, FOR HIM TO GUIDE FOR MACKAY WILDERNESS RIVER TRIPS FOR THE 1995-96 SEASON.

**Craig Baker, McCall City Recreation Department:** Mr. Baker appeared for his scheduled appointment with the Board, but due to problems created by the length of the Selway-Magruder Outfitter hearing, he determined he couldn't wait to meet with the Board at this time, and requested we reschedule his appointment at a later time.

**Don Schiermeier, Soldier Mountain Ski Area:** Mr. Schiermeier, co-owner and manager of Soldier Mountain Ski Area, met with the Board to discuss their plans for development of a cat skiing operation to be conducted outside the recognized permit boundary of the ski area. He presented a comprehensive management and

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safety plan, including detailed maps of the proposed operating sites. He also explained that representatives from the Fairfield Ranger District, Sawtooth National Forest, have been working closely with them to coordinate this permit and license application, and that they hope to have a preliminary decision from them in the near future.

The meeting recessed at 7:00 PM, and reconvened on Wednesday, August 30, 1995, at 8:40 AM, with Board members Leo Crane, Diana Haynes, Bill Bernt and Dick Schwarz present. Mr. Schwarz attended today's session, replacing Dale Baird.

**Jason Wayt:** The Board conducted a conference call session with Mr. Wayt to review his 1995-96 guide license application, noting he had received a conviction for violation of Fish and Game regulations in 1994. At the conclusion of this review, MSC (Bernt--Schwarz) THAT THIS GUIDE LICENSE BE ISSUED UNRESTRICTED.

**Outfitter Boating Opportunities:** Following appropriate legal advertisement and notification to the public of available power and floatboating opportunities on the Snake, Clearwater, and Henrys Fork Rivers, and on Cascade Reservoir, applications were evaluated and successful applicants selected. The results included:

SN5	Bret Silver, Olin Gardner
SN6	Bret Silver
SN8	Dale Robson, Bret Silver, Olin Gardner
SN9 (Power)	Dale Robson, Bret Silver, Olin Gardner
SN9 (Float)	Bret Silver, Olin Gardner
Clearwater River	Michael Smith
Henrys Fork	Lonnie Allen
Cascade Reservoir	Tom Carter

**Election of Board Officers:** An election was held to establish new officers for the Board with the following results: Chairman, Leo Crane, Vice-Chairman, Diana Haynes, Treasurer, Wayne Hunsucker.

**Executive Session:** In accordance with the provisions of §67-2345, Idaho Code, MSC (Haynes--Schwarz) that the Board go into Executive Session at 3:10 PM to discuss personnel issues. The Board came out of Executive Session at 3:25 PM with no decisions made.

**FY 1997 Budget:** Following a presentation and review of the proposed Fiscal Year 1997 budget by the Executive Director, MSC (Haynes--Bernt) THAT THE PROPOSED BUDGET BE APPROVED AS PRESENTED

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AND SUBMITTED TO THE GOVERNOR'S OFFICE PRIOR THE SEPTEMBER 1 DEADLINE.

**June Board Minutes:** Following a review of the minutes for the June, 1995, Board meeting, MSC (Bernt--Haynes) THAT THE MINUTES BE APPROVED AS WRITTEN.

**Muleshoe Area:** The Board reviewed a summary analysis submitted by the Powell Ranger District on the Elk Summit Area, formerly known as the Muleshoe Wilderness Camps. The analysis covered such topics as purpose and need, identified five primary issues including competition, wilderness experience, big game herd viability, outfitter need and economic viability, and listed four possible alternatives. Following their review, the Board identified three specific areas of concern, including establishment of priority use days, possible elimination of outfitter numbers, and a recommendation that additional coordination of the proposal might be considered to include other agencies such as the county commissioners.

**Special Actions Review:** The Board received a report from the executive director regarding his efforts to review and act on license and amendment applications during the months of July and August. After review and discussion, MSC (Hunsucker--Haynes) THAT THESE LICENSING DECISIONS BE APPROVED.

**Temporary Guide License:** The Chairman directed that the Board attorney evaluate a suggested format for development of a temporary, one-time only, guide license designed to deal with emergency licensing situations.

**Grant Simonds, IOGA:** Mr. Simonds presented a draft proposal for Board review addressing the need to establish an Outfitter Licensing Criteria Task Force, whose purpose would be to identify and resolve issues which face the Licensing Board and other agencies and organizations that must routinely deal with evaluation of licensing opportunities around the state. After discussing the details of this initial draft proposal for the task force, the Board endorsed the concept of this approach to this complex problem and recommended the director take steps to initiate this cooperative effort along with representatives of the Outfitters and Guides Association and others who will be identified to assist with this project. Vice Chairman Diane Haynes volunteered to work with the director in this regard.

**December Meeting Date:** After reviewing the proposed meeting dates for the IOGA convention in December, the Board decided to schedule their next meeting for December 7 - 9, 1995, to be held in Boise.

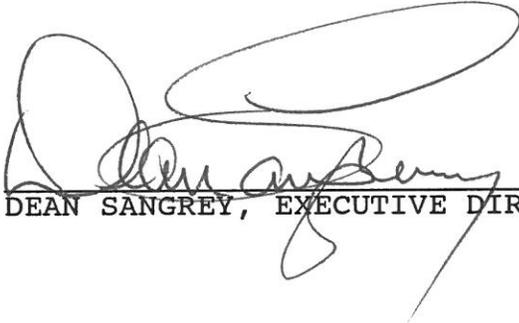
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With no further business to come before the Board, the meeting was adjourned at 6:30 PM.

  
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LEO CRANE, BOARD CHAIRMAN

ATTEST:

  
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DEAN SANGREY, EXECUTIVE DIRECTOR