

STATE OF IDAHO

OUTFITTERS AND GUIDES LICENSING BOARD

APRIL 22 - 25, 1996

APPROVED MINUTES

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

A regularly scheduled meeting of the Idaho Outfitters and Guides Licensing Board convened at 8:30 AM, April 22, 1996, in the conference room at the Palisades Ranger District Office, 3659 E. Ririe Highway, Idaho Falls. Board members Leo Crane, Diana Haynes, Wayne Hunsucker, and Bill Bernt were in attendance, as well as Executive Director Dean Sangrey, Board Counsel Steve Scanlin, and Education/Law Enforcement Supervisor Bill Vetesy.

Palisades Ranger District: Brent Porter, Assistant District Ranger/Recreation Forester for the Palisades Ranger District, welcomed the Board to Idaho Falls on behalf of the District. District Ranger Ron Dickemore had other commitments and was unavailable to meet with the Board. Brent reviewed several issues relating to outfitter and guide activities on the District, including commercial float and power boating on the South Fork of the Snake River, unlicensed outfitting and guiding problems, and recent expansion of summer recreational service days for several land based operations.

Bureau of Land Management: Chuck Horsburgh, Acting District Manager for the Medicine Lodge Resource Area (MLRA) of the BLM, and Wade Brown, Outdoor Recreation Planner for the MLRA, visited with the Board to share some of their concerns on issues of mutual interest. These included unlicensed outfitting on the South Fork of the Snake River, maintaining an effective presence on the river and at the launch ramps, working to combat erroneous public perceptions about commercial operators, and helping to improve the professionalism of outfitters and guides working on the river.

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Idaho Department of Fish & Game: Don Wright, Upper Snake Region Supervisor, Dexter Pitman, recently appointed supervisor for the Southeast Region for the Department, and Joe Curry, DCO for the Upper Snake Region, appeared on behalf of the Department of Fish & Game and extended their welcome to the Board. Don commented regarding the general public's perception of outfitters and guides in the area and that many of the comments they hear address issues like public courtesy and the lack of ethical behavior on the part of many licensees. He also stated that the practice of blanking out the logo on the drift boats when a licensed outfitter or guide is using the boat for a personal trip did not adequately address the perception problem that exists that there are too many commercial outfitters on the river.

Dean Sangrey, Executive Director: The Director presented his regular report to the Board, including information on his participation in several meetings and conferences over the last two months. These included: a multi-region US Forest Service outfitter/guide training conference; outfitter/resource manager annual meeting in Idaho Falls; the IOGA spring meeting in Priest Lake; and a presentation to a local service club. He also reported on concerns from the Nature Conservancy about increased fishing activities on Silver Creek, and an update on the license status of outfitter Gordon Frost.

February, 1996, Board Meeting Minutes: The Director shared two corrections that were made to the minutes of the February meeting and following this review and discussion, MSC (Haynes--Bernt) TO ACCEPT THE MINUTES AS CORRECTED.

Financial Statement: The Director presented a review of the current condition of the Board's operating budget as of March 31, 1996. Following a review and discussion, MSC (Hunsucker--Bernt) TO ACCEPT THIS FINANCIAL REPORT.

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Status of Licensing Activity: The Director also presented a report on the current status of licensing activity so far this spring. As of Friday, April 19, 210 outfitter, 140 designated agent, and 208 guide licenses had been issued for the 1996-97 season.

The meeting recessed for lunch at 11:52 AM and reconvened at 1:15 PM.

Mike Melville: Mr. Melville met with the Board to discuss his licensed power and floatboating business on the Snake River in the Idaho Falls area, and to describe the problems that personal watercraft have been creating on the river in the vicinity. Several mishaps have occurred and many residents in the area are gravely concerned about the potential problems these vessels create. With the recent passage of legislation designed to restrict the use of jetskis in some areas, it is hoped that many of the conflicts that have arisen from these activities can be better controlled.

Remote Site Licensing: Board member Haynes commented on the present status of the automated fish and game licensing program and wondered whether any decisions had been reached regarding the necessity for paper vendor capability at remote locations. The Director reported that no word had been received of any efforts made in that regard as of this date. The Board suggested that a letter be addressed to Steve Barton at the Department, expressing the Board's observations regarding this matter and suggesting some possible solutions.

Moose Creek Outfitters, Dick Norris, Designated Agent: The Director reported on the results of his meeting with Mr. Norris and Mr. Tim Craig to resolve their operating area boundary dispute. As a result of that meeting, it was agreed that the boundary in question, dealing with a boundary line running from Barron Hill down the hydrologic divide between Wounded Doe Creek and Rhoda Creek, was properly determined in the Board's records. This determination clarifies that Darrell Norris, a guide for Moose Creek Outfitters, was, in fact, operating outside his

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assigned area last fall. Following this review and discussion, MSC (Haynes--Bernt) THAT THE CITATIONS ISSUED TO DICK NORRIS AND DARRELL NORRIS RELATING TO THIS MATTER, BE, AND THE SAME ARE HEREBY, DISMISSED.

Steve Scanlin: Mr. Scanlin presented his regular report to the Board relating to several ongoing legal issues and matters that he has addressed on behalf of the Board since the February meeting. He reported that an appointment has been secured during the State Prosecuting Attorney's annual conference in August for the Director, Board Prosecutor Steve Tobiason, and he, to appear and discuss issues relating to prosecution of Board cases, etc.

Confiscation of Equipment: Mr. Scanlin also discussed consideration of developing legislation concerning the possible confiscation of equipment of unlicensed defendants who are convicted for violating the provisions of the Outfitters and Guides Act. The Board directed that he investigate this matter more thoroughly and develop draft legislation for further review.

Brent Estep, Mackay Wilderness River Trips, Inc.: The Board conducted an in-depth discussion regarding Mr. Estep's problems concerning the State Insurance Fund and their position relating to workman's comp and the trainee status of potential employees of outfitters. The debate deals with the formal status of a participant on a river trip who is initially recognized as a paying guest, but who might, at any given time, be in a position to row a boat or be involved in some other activity that would require some form of instruction by the outfitter or one of his licensed guides. When this occurs, according to representatives from the State Insurance Fund, the "guest" then becomes a trainee and the outfitter would be required to pay a workers compensation premium. Following this discussion, the Chairman directed Board Attorney Steve Scanlin to coordinate a review of this situation with legal counsel for the State Insurance Fund and report back to the Board at the June meeting.

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Don Hable, Ken Wells, Selway Magruder: A brief discussion was held concerning the present status of the old Selway Magruder outfitter business now being operated by Don Hable. The Director reported that by all appearances Mr. Hable had a successful operation during the fall of 1995 and apparently was proceeding with plans to book clients and operate a full program this coming fall. A question also arose regarding the status of Mr. Wells' performance bond at the conclusion of his last outfitter license term in 1995. It was decided that a certain amount of confusion exists in the way delinquent license renewals are accepted and processed, and that the matter needs to be researched. The board attorney was instructed to look into the matter immediately.

The meeting recessed at 4:35 PM, and reconvened at 8:25 AM, Tuesday, April 23, 1996, with all Board members present with the exception of Bill Bernt, who had an appointment. Also present were the Executive Director, Board Counsel, and Education/Law Enforcement Supervisor.

Bill Vetesy, Education/Law Enforcement Supervisor: Bill Vetesy presented his report to the Board on the current status of education and law enforcement issues. He presented his regular quarterly update on recent accomplishments, and also reported on the upcoming fourth annual multi-state Outfitters and Guides Law Enforcement Seminar that he is hosting along with representatives from other local enforcement agencies. He also reported on the status of the enforcement bureau budget and how it relates to unlicensed outfitter activities in the backcountry.

The meeting recessed for lunch at 11:45 AM and reconvened at 1:15 PM.

Jerry Reese, Supervisor, Targhee National Forest: Supervisor Reese was introduced to the Board and welcomed them to the Idaho Falls area. He expressed his pleasure with the positive working relationship that the Forest Service and Licensing Board have at the present time. He also explained that the Forest is now working through an analysis of the new Forest Plan and they are

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currently holding a series of public information meetings around eastern Idaho.

Tony Bradbury, Exodus Corporation: The Board reviewed a letter submitted by Tony Bradbury relating to questions of overcrowding on the Vinegar Creek to Spring Bar (SA7B) section of the Salmon River. His concern deals with the apparent increase in activity by outfitters particularly during the steelhead fishing season on this section of the river. The Board discussed the licensing situation on the SA7A, SA7B, and SA7C sections and instructed the Director to research the history behind the creation of the SA7B section. They also discussed the possibility of limiting the number of outfitters authorized on this section at any given time.

Bill Gooseman, Moose Creek Ranger District: The Board met with Bill Gooseman, of the Moose Creek Ranger District, regarding the current status of Richard Norris' special use permit. Bill also talked about implementation of new weed-free feed regulations on their district and throughout the state.

Mac Murdock, Dubois Ranger District: District Ranger Mac Murdock, Dubois Ranger District, appeared before the Board to discuss issues relating to licensed outfitter Keith Rush, and other recreational outfitted activities on their district. He said they have been experiencing an increase in non-consumptive commercial interests, particularly "city slicker" type cattle drive endeavors.

Bob Gillihan: The Board reviewed the letter from Bob Gillihan voluntarily relinquishing his assigned operating area for fishing, trailride, and backpacking activities. Following discussion, MSC (Hunsucker--Haynes) TO ACCEPT THIS RELINQUISHMENT AND ALSO NOT TO ACTIVELY SOLICIT PROPOSALS FOR CONTINUED OPERATIONS IN THIS AREA AT THIS TIME.

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Emily Hart: The Board reviewed the guide license file for Emily Hart, noting the issues regarding her past application from 1995. The Board discussed the situation regarding her alleged alteration of her first aid card. Following discussion, MSC (Haynes--Bernt) THAT A FUTURE GUIDE LICENSE APPLICATION SUBMITTED BY MS. HART WILL BE CONSIDERED FOR APPROVAL, ON A PROBATIONARY BASIS. THE NORMAL TERMS OF PROBATION WILL APPLY, FOR A PERIOD OF ONE YEAR.

The meeting recessed at 4:45 PM, and reconvened at 8:15 AM on Wednesday, April 24, 1996, with all members present.

Outfitter/Legislator Meeting: The Board discussed some of the preliminary plans for the meeting with area legislators and outfitters scheduled for this afternoon.

Bob Jacklin, Jacklin's Fly Shop, Inc. The Board met with Bob Jacklin, Jacklin's Fly Shop, Inc., in West Yellowstone, Montana. Mr. Jacklin wanted to visit with the Board regarding general outfitting issues in the Henrys Lake/Henrys Fork area, walk and wade fishing, the proposed license fee increase, a possible amendment to his license, and some lingering concerns he had about an investigation conducted by the Board against his business in 1993. Following this discussion about the citation he received, the Board agreed to consider expunging this conviction from his record at some future date. At the conclusion of the meeting, Mr. Jacklin thanked the Board for coming to their area to hold the April meeting, and said he was planning to attend the discussions later in the day.

Jim Stone/Andy Parker, Three Green Outfitters: The Board met with Jim Stone and Andy Parker to discuss their operation on the Bear River. They also talked about recent fishing regulation changes being implemented on the Bear River within their licensed area and how this might impact their operation. They plan to develop an amendment request for expanding some of their activities and discussed some aspects of these new ideas. The Director encouraged them to proceed with their proposal and to contact the office if they need assistance.

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Senator Lin Whitworth: Senator Whitworth appeared during the discussion with Mr. Stone and Mr. Parker. He listened to their concerns and description of how some regulations are impacting their business. He then talked about other issues effecting outfitting in eastern Idaho, and stated he planned to attend part of the meeting that afternoon at South Fork Lodge.

The meeting was recessed at 12:15 PM for lunch and to travel to Spence Warner's South Fork Lodge for continuation of the meeting.

Eastern Idaho Chapter, IOGA: The regular meeting of the Licensing Board reconvened at approximately 3:00 PM at Spence Warner's South Fork Lodge at Swan Valley, Idaho. This afternoon session dealt with a lengthy discussion about unlicensed activities in the area and how the Board was working to deal with these problems, as well as new training aids and instructional efforts, and a general discussion about the proposed license fee increase. The Chapter informed the Board they held a regular meeting earlier in the day and had adopted a proposal to take steps to eliminate the third party agreement arrangements that have existed in the South Fork/Jackson Hole area for many years. The Board was encouraged by this action and commended the group for taking that initiative.

The meeting recessed at 5:15 PM to allow for preparations for dinner. Following a social hour and open discussion period, dinner was served about 6:30 PM and then an informal discussion followed between the assembled outfitters, Board members, and Legislators.

The dinner and following dialogue was attended by State Representatives Lynn Loosli and his wife Portia, Golden Linford and his wife Elizabeth, JoAn Wood and her brother Zane Mason, who was visiting from Florida, Jack Barraclough and his wife Elaine, and State Senator Moon Wheeler and his wife Ann. A very positive dialogue ensued, with the legislative contingent sharing their observations of issues that require attention on the river, as well as elsewhere, and members of the Board informing the

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legislators about their ongoing efforts to address problem areas and some possible legislative solutions that are being considered. The evening program concluded at approximately 9:30 PM.

The meeting reconvened at 8:35 AM, Thursday, April 25, 1996, with all Board members present.

Hyde Outfitters: The Board participated in a tour of the Hyde Drift Boat Company manufacturing plant at 8:35 AM and the formal meeting reconvened at the Palisades Ranger District Office at 10:15 AM.

Dale Robson: Mr. Robson met with the Board to discuss several issues pertaining to the present licensing arrangement for Albert Tilt. Mr. B.J. Hill was recently licensed as a designated agent for Mr. Tilt, and there was some question about how the trips and activities would be handled and booked with Mr. Hill living in Wyoming. The Director explained that the operation had been thoroughly reviewed with Mr. Hill and the Board was comfortable with the proposed operating plan. Dale also talked briefly about his new licensed fishing operation on the Snake River below Bliss Dam.

Bill Vetesy: The Board had a discussion with Education/Law Enforcement Supervisor Bill Vetesy regarding the concept of a back-country ranger type employment agreement with multiple-agency funding in the South Fork and Henry's Fork areas. Bill will investigate the possibilities for developing this type of arrangement. They also discussed the possibility of partnership funding to help maintain the billboard sign program in the Swan Valley/Jackson Hole area.

Mike Prokop: The Board discussed a letter received from Mike Prokop from Coeur d'Alene regarding his concerns about the results of the recent selection process the Board completed to fill vacancies on Lake Coeur d'Alene. His concern is that apparently no one is prepared or equipped for providing access for handicapped individuals to participate in fishing and boating

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activities on the lake. The Director will write a letter responding to Mr. Prokop, and also communicate with the licensees currently authorized on the lake and address this issue with them.

Chuck Neill, Gilmore Ranch Outfitters: The Board reviewed a letter from Chuck Neill commenting about the outfitter license renewal process. He complained that it appeared the Board was not dealing effectively with incomplete applications submitted prior to the application deadline, thereby causing assessment of unnecessary late fee charges. The Board recommended the Director prepare an appropriate response to Mr. Neill's letter, explaining the requirements of the renewal process.

The meeting recessed for lunch at 11:45 AM and reconvened at 1:15 PM.

Butch Small, Small Outfitters: Mr. Small appeared before the Board to review his proposal for a new outfitter license for a cattle drive/city slicker-type operation outside Dubois, Idaho. Following his discussion with the Board, MSC (Bernt--Hunsucker) THAT THE APPLICATION OF SMALL CATTLE COMPANY BE APPROVED FOR OPERATION ON THE FAMILY RANCH. THERE MAY ALSO BE ADDITIONAL ACTIVITIES APPROVED BY AMENDMENT TO EXPAND THIS OPERATION ON NATIONAL FOREST LAND IN THE FUTURE.

Salmon River Challenge: The Director reviewed the present status of an amendment request being evaluated for Salmon River Challenge, Inc. This proposal includes the addition of trailrides, snowmobiling, and mountain bike activities in a portion of the Nez Perce National Forest west of Riggins, Idaho. The Forest Service has approved all aspects of the proposal with no reservations. However, other licensed outfitters in the area, namely Harvey Whitten, Heavens Gate Outfitters, and Rich Cook, have expressed concerns about certain aspects of the proposal. These concerns are being reviewed and addressed by the applicants, and the Director will endeavor to reach a decision on this application in the near future.

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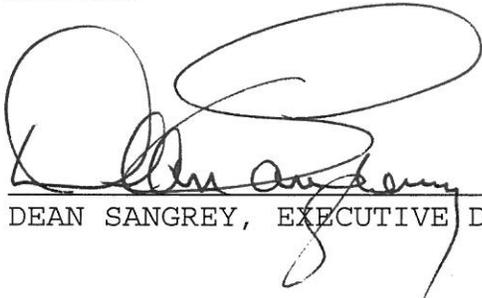
Kari Smith, Ricks College: Ms. Smith appeared on behalf of Jerry Jex, Designated Agent for Ricks College, to discuss matters of general concern regarding the current outfitter license that the college maintains, as well as recent issues that have come to the attention of the Board and the Forest Service relating to activities covered by the curriculum program.

As there was no additional business to come before the Board, the meeting adjourned at 3:21 PM.



LEO CRANE, BOARD CHAIRMAN

ATTEST:



DEAN SANGREY, EXECUTIVE DIRECTOR