

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

DECEMBER 2, 6-7, 1996

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

The regular meeting of the Idaho Outfitters and Guides Licensing Board was called to order at 8:40 AM, December 2, 1996, in the conference room at 1365 N. Orchard Street, Room 172, Boise, Idaho. Board members Leo Crane, Diana Haynes, Bill Bernt, and Ray Lyon were in attendance, as well as Board Executive Director Dean Sangrey, Education/Law Enforcement Supervisor Bill Vetesy, and Board Counsel Steve Scanlin. Board member Wayne Hunsucker was delayed until later in the morning.

STAFF REPORTS

Executive Director: The Director updated the Board on the results of recent meetings of the Outfitter Allocation Team; presented a status report on outfitter and guide licensing activity to date; gave a report on his participation on the Idaho Road Access Task Force; reported on the current status of the Board's proposed legislation; gave an update on the Richard Norris matter; discussed recent update of the IOGLB Strategic Plan; commented regarding a commercial filming project on the St. Joe River; explained compliance requirements for state agencies in regard to the Y2K initiative dealing with computer software updates that will be necessary prior to the year 2000; and discussed preliminary agenda topics planned for the joint meetings between the Licensing Board and the IOGA Board of Directors scheduled for later today and Friday, December 6.

Supervisor, Education/Law Enforcement Program: Mr. Vetesy presented his quarterly report addressing activities of the education and law enforcement programs for the last three months. He presented statistical information on investigative activities and the results of various educational endeavors during this time period, reviewed current cases and gave a complaint status report. He also explained planned participation at the IOGA fall meeting with an information booth staffed by himself and several of the Board's enforcement agents, as well as development of a panel discussion he has organized for the interagency meeting to be held between the Board and various resource management agencies during the IOGA fall meeting.

Board member Wayne Hunsucker arrived.

Board Counsel: Mr. Scanlin reviewed the status of several pending cases and issues including the stipulated agreement with Trail Creek Outfitters, some legislative matters, his analysis of an inquiry from Dale Kinsella for the Lodge at Palisades Creek, commented on rules procedures outlined in the Rules Procedure Flow Chart provided by the Administrative Rules Office, and reported on the opinion he prepared on power boat transportation of clients outside of approved operating areas. He was then joined by Steve Tobiason, Board Prosecutor, and they gave an overview of the planned review of the results and recommendations received from the hearing officer in the Richard Cook matter.

Financial Report: The Director presented the October financial report, after which MSC (Bernt--Haynes) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED.

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

Ted Epley, Epley's, Inc.: Mr. Epley appeared for his scheduled appointment with the Board accompanied by his attorney, Mr. Jerry Meyers. Fred Dauber, District Ranger from the Krassel Ranger District, Payette National Forest, was also in attendance. The purpose of this discussion was to review the status of Mr. Epley's land-based outfitter operation which includes big game hunting and various recreational activities on National Forest and State of Idaho lands. In July, 1996, the Board was advised by Fourth District Judge George Carey that Mr. Scott Minter had defaulted on the terms of a sales agreement between himself and Mr. Epley pertaining to his outfitter business. Of particular concern for the Board is the status of Mr. Epley's licenses and permits and the need to make a determination on his amendment request for reissuance of his outfitter license for the land-based activities. The Board also discussed these issues with Mr. Dauber and how the provisions of the Memorandum of Understanding (MOU) between the Board and the Forest Service apply in this situation. As a result of this dialogue the Board determined that this particular type of situation is not specifically addressed in the MOU. The matter at hand involves the reissuance of a previously held license and not a new license or sale of an outfitter business, both subjects which are specifically covered in the MOU. Upon advise from counsel, the Board determined that it has no legal authority to deny the request of Mr. Epley to amend his license and add these activities back into his operation. At the conclusion of these discussions, MSC (Hunsucker--Lyon) THAT THE AMENDMENT REQUEST SUBMITTED BY MR. EPLEY TO INCLUDE DEER, ELK, GOAT, MOOSE, SHEEP, BEAR, COUGAR, PREDATORS, AND FOREST GROUSE HUNTING, AND FISHING, TRAILRIDE, BACKPACKING, SNOWMOBILING, AND FLOATBOATING ACTIVITIES ON HIS OUTFITTER LICENSE BE, AND THE SAME IS HEREBY, APPROVED.

Meeting recessed at 5:00 PM. The Board departed the Licensing Board Office to meet with the Board of Directors for the Idaho Outfitters and Guides Association at 5:30 PM,

in conjunction with their fall meeting being conducted at the Red Lion Riverside convention center in Boise. This meeting concluded at approximately 8:15 PM.

The Board meeting reconvened at 8:40 AM, Friday, December 6, in the Board meeting room with Board members Leo Crane, Bill Bernt, Wayne Hunsucker and Ray Lyon in attendance. Diana Haynes has been temporarily delayed as she is meeting with the Board of Directors for the Outfitters and Guides Association in an interview. Also present were the Board's Executive Director, Education/Law Enforcement Supervisor and Board Attorney.

Review of Board Minutes from August, 1996: The Board reviewed the minutes of the August, 1996, meeting as presented by the Director. Following discussion, MSC (Lyon--Bernt) TO APPROVE THE MINUTES AS PRESENTED.

Diana Haynes returned to the meeting at 9:15 AM.

Martin (Joe) Hill Jr.: The Board reviewed a guide license application submitted by Mr. Hill for employment with B.J. Hill, Swift Creek Outfitters. Joe Hill acknowledged he had been convicted of a fish & game violation in 1982, but had satisfactorily completed his probation and has successfully worked as a volunteer for the IDF&G since that time. Former IDF&G Director Jerry Conley has recently recommended Mr. Hill for license approval also. Following this discussion, MSC (Haynes--Bernt) THAT MR. MARTIN HILL BE APPROVED FOR A GUIDE LICENSE AND THAT IT BE ISSUED PROBATIONARY FOR A PERIOD OF TWO YEARS. UNDER THE TERMS OF PROBATION, HE MUST NOT VIOLATE ANY LOCAL, STATE OR FEDERAL LAWS, AND NO AMENDMENTS WILL BE ALLOWED TO HIS LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1998.

Rich Cook, dba: Cook's Idaho Outfitters: The Board's review of the Hearing Officer's Findings of Fact and Conclusions of Law in the Richard Cook matter was scheduled to commence at 10:00 AM. All Board members were present as well as the Executive Director, Board Counsel, Board Prosecuting Attorney Steve Tobiason, Richard and Judy Cook and their attorney Jon Wyman, and Jeannette Wallace, representing the U.S. Forest Service. At the conclusion of this review and discussion, MSC (Haynes--Bernt) TO ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW AS FOUND IN THE HEARING OFFICER'S DECISION. THE BOARD ADDITIONALLY DETERMINED THAT THE UNETHICAL AND UNPROFESSIONAL CONDUCT VIOLATIONS FOUND IN COUNTS II, IV, VIII, X AND XIII WOULD NOT BE CONSIDERED AS SEPARATE VIOLATIONS FOR PURPOSES OF DISCIPLINE, HOWEVER THE FACT THAT THERE WAS UNETHICAL AND UNPROFESSIONAL CONDUCT IN RELATION TO THE ACTIONS BY MR. COOK IN THIS MATTER WILL BE TAKEN INTO CONSIDERATION IN DETERMINING THE DISCIPLINE FOR THE VIOLATIONS FOUND IN COUNTS I, III, VII, IX AND XII. BASED ON THE ACCEPTANCE OF THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE

BOARD HEREBY ORDERS THAT: FOR THE VIOLATIONS FOUND IN COUNT I, MR. COOK'S OUTFITTING LICENSE WILL BE PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS AND HE IS HEREBY ORDERED AS A RESTRICTION TO HIS LICENSE TO MAKE RESTITUTION TO THE BOARD FOR THE EXPENSES AND COSTS ASSOCIATED WITH THE ENTIRE ADMINISTRATIVE HEARING IN ALL COUNTS IN THIS MATTER, INCLUDING PROSECUTION AND HEARING OFFICER COSTS. THE LICENSE WILL NOT BE RENEWED OR REINSTATED, INCLUDING SALE OR TRANSFER OF OWNERSHIP, UNTIL RESTITUTION HAS BEEN MADE; FOR THE VIOLATIONS FOUND IN COUNTS III, VII, IX AND XII, MR. COOK IS HEREBY ORDERED AS A RESTRICTION TO HIS LICENSE TO GIVE RESTITUTION TO THE CLIENTS IN THESE COUNTS WHO SO DESIRE, A FULL REFUND OR MONEYS PAID FOR THE TRIP INCLUDING TRANSPORTATION EXPENSES AND DEPOSITS, IF ANY, OR OTHERWISE NEGOTIATE A SETTLEMENT WITH THE CLIENTS. MR. COOK'S OUTFITTER LICENSE WILL NOT BE RENEWED OR REINSTATED, INCLUDING SALE OR TRANSFER OF OWNERSHIP, UNTIL RESTITUTION HAS BEEN MADE TO THE SATISFACTION OF ALL THE CLIENTS. FURTHER, THE BOARD ORDERS THAT COUNTS V, VI, XI, XIV AND XV BE, AND THE SAME ARE HEREBY DISMISSED.

The meeting recessed for lunch at 11:45 and the Board proceeded to the Red Lion Riverside to join with the IOGA Board of Directors for a luncheon meeting. The Licensing Board reconvened at the boardroom at 2:10 PM with all members present.

Gary Lane, Wapiti River Guides: Mr. Lane was scheduled to meet with the Licensing Board at 2:30 PM, but advised the office by faxed letter that he would be unable to appear in person because of conflicts with fishing trips. In lieu of appearing in person, he wrote of several outfitter licensing issues he wanted to discuss with the Board. These topics included: commercial floatboating on the Little Salmon River, floatboat opportunities on Deep Creek, a tributary of the Owyhee River, concerns about commercial steelhead fishing and additional floatboating opportunities on the Salmon River at Riggins, and chukar and hungarian partridge hunting. Following a discussion of these issues the Director advised that he would respond to Mr. Lane and develop further dialogue addressing these matters and help identify the necessary steps required to pursue Mr. Lane's interests.

Bill Vetesy: The Board complimented Bill Vetesy on the professional manner in which he and his staff presented information about the Board's education and law enforcement programs in the booth set up during the IOGA convention. Numerous positive comments were received from members of the Association as well as agency personnel regarding this effort on the part of the Board.

The meeting recessed at 5:05 PM, and reconvened on Saturday, December 7, 1996 at 8:30 AM. All Board members were present as well as the Executive Director and Board's Attorney.

Jason Lamm: Mr. Lamm requested an appearance with the Board to discuss the earlier denial of his guide license application for employment with Wilderness Lodge. He was cited in July, 1996, by the IDF&G for fishing without having a proper license in possession. His explanation was that he was fishing with a friend in Northern Idaho on the Coeur d' Alene River and thought he had his license with him. He also failed to acknowledge this conviction on his guide license application and stated that this was simply an oversight on his part. He is employed year round at Wilderness Lodge in Montana, and at the moment is helping with equipment repair at the Lodge. They are trying to improve the reputation of the outfitting business in this operating area and hope to increase clientele for the Lodge through the addition of snowmobiling, horse pack trips and photography trips. The majority of these activities will be conducted in Montana. Following this discussion, MSF (Haynes--Bernt) THAT MR. LAMM BE ISSUED A TWO YEAR PROBATIONARY LICENSE, WHEN AND IF HE APPLIES, FOR THE 1997-98 AND 1998-99 LICENSE YEARS. AFTER FURTHER DISCUSSION, MSC (Hunsucker--Bernt)(Crane-aye, Bernt-aye, Hunsucker-aye, Haynes-nay, Lyon-nay) THAT THE BOARD UPHOLD THE DENIAL OF THE 1996-97 GUIDE LICENSE, AND FURTHER, THAT WHEN AND IF MR. LAMM APPLIES FOR A FUTURE GUIDE LICENSE THAT IT NOT BE ISSUED UNTIL AUGUST 1 OF THAT APPLICATION YEAR AND THAT THE LICENSE BE ISSUED AS PROBATIONARY FOR TWO SUCCESSIVE SEASONS.

Greenfeather Adventures, Billy Hampton, Designated Agent: The Director presented updated information regarding the status of the Greenfeather Adventures, Inc., outfitter license. During the August meeting the Board instructed Ellen Shaw to conclude efforts to either sell the Greenfeather Adventures outfitting business or complete the necessary requirements to get a special use permit issued from the Lowman Ranger District. Ms. Shaw informed the Board office in November she had been working with some potential buyers since August but nothing final had developed so far. The Lowman Ranger District informed the office on November 27 that they had not received any inquiries from Mr. Hampton or Ms. Shaw regarding the possible renewal of their special use permit. They feel this supports their contention that Greenfeather Adventures has abandoned any interest in providing outfitter services on the National Forest. Based on these circumstances and discussion, MSC (Haynes--Lyon) THAT THE OUTFITTER LICENSE ISSUED TO GREENFEATHER ADVENTURES, INC., BILLY HAMPTON, DESIGNATED AGENT, BE, AND THE SAME IS HEREBY RELINQUISHED. THE DIRECTOR WILL COMMUNICATE THIS DECISION TO THE LOWMAN RANGER DISTRICT AND INITIATE APPROPRIATE LICENSING CONSIDERATIONS UNDER THE GUIDELINES AS ESTABLISHED IN THE MOU.

Dennis Hennefer and Steven Dameron: The Director reviewed the background and circumstances regarding his decision to issue probationary guide licenses to Mr. Hennefer and Mr. Dameron. They were both involved in unlicensed guiding activities

during the 1995 hunting season and were cited by the IDF&G and paid fines for those violations. The Director discussed the matter with Board Chairman Crane and a decision was made to issue the restricted licenses. The probation will run through the end of the 1997-98 season. Following a discussion, MSC (Hunsucker--Bernt) TO UPHOLD THE PRIOR DECISION OF THE CHAIRMAN AND EXECUTIVE DIRECTOR IN ISSUING THESE PROBATIONARY LICENSES.

Saul Quigley: The Director reviewed his decision to issue an unrestricted guide license to Mr. Quigley for employment with Ronnie West. Following a discussion of the circumstances surrounding this application, and the documentation on file with the Board, MSC (Haynes--Hunsucker) TO UPHOLD THE DECISION TO ISSUE AN UNRESTRICTED LICENSE TO MR. QUIGLEY.

Meatpacking: During the course of this Board meeting and associated discussions with members of the IOGA at their fall conference, the Board considered the issue of licensing individuals to provide meatpacking services in certain areas around the state. This issue has recently been brought to the Board's attention through numerous contacts from individuals interested in providing this type of service. Public safety is one of the primary concerns regarding this type of activity, as well as the issue of potential waste of game and the fact that private citizens must take more responsibility for planning ahead and anticipating their needs when they go hunting and harvest an animal. The IOGA plans to provide some additional perspective for Board consideration in this matter, and the Board will consider the matter further.

Temporary Guide Licensing: Board Chairman Leo Crane presented a proposal for Licensing Board and IOGA consideration regarding temporary guide licensing procedures. He related that the industry is constantly plagued with last minute problems with guides not being able to work scheduled trips. The situation is created for several reasons, such as illness or injury at the last moment or people quitting or not showing up at all. The situation creates serious problems for outfitter businesses and clients, and at times is further complicated by minimum licensing requirements of first aid training, etc. The Board feels there may be some alternatives that could be implemented to address this problem and requested Steve Scanlin to work on the issue with the Director.

Proposed Rule Changes: Several issues dealing with rule modification were discussed during the Board meeting and Board Attorney Steve Scanlin was asked to work with the Director to develop a draft rule change proposal for review during the February Board meeting.

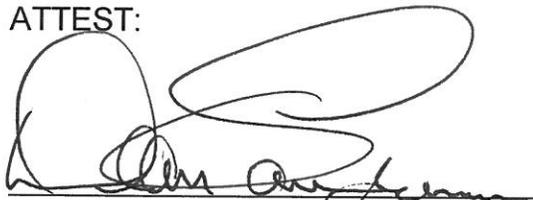
The next Board meeting will be scheduled to begin on Monday, February 24, 1997, and will be held in Boise. With no further business to come before the Board, the meeting adjourned at 12:20 PM.

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LEO CRANE, BOARD CHAIRMAN

ATTEST:



DEAN SANGREY, EXECUTIVE DIRECTOR