

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

FEBRUARY 24-27, 1997

(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 8:35 AM, February 24, 1997, 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, and Board Counsel Steve Scanlin. Board member Wayne Hunsucker had a previous commitment and will miss the entire meeting.

In accordance with the provisions of Sec. 67-2345, Idaho Code, the Board went into executive session at 8:40 AM to discuss personnel matters and came out of executive session at 9:09 AM with no decisions made.

Steve Tobiason: Board Prosecuting Attorney: Mr. Tobiason reported on the status of ongoing negotiations regarding licensed outfitter High Desert Ranch, Inc. He will try to conclude these discussions and report back to the board prior to the close of the meeting.

STAFF REPORTS

Executive Director: Director Sangrey reported on various issues currently affecting the Board, including: **Outfitter Allocation Team:** The team continues to meet regularly to complete action on developing an acceptable strategy for allocation of elk and deer tags. Joint legislation with the Idaho Department of Fish & Game has been developed and is being sponsored by State Senator Judi Danielson (R-Council). The director also explained the ramifications for the Licensing Board if the measure passes and an allocation process is implemented. The Board will be responsible for making the final determinations as to the number of tags to be allocated to each outfitter operating area by F&G management unit, area or zone; **IOGA Salmon Chapter Meeting:** The director attended the Salmon IOGA chapter meeting on January 28 and also met with representatives from the Salmon/Challis National Forest, the Salmon Resource Area for the BLM, and the Salmon regional office for the Department of Fish & Game. Some of the issues discussed with these agencies included future licensing of currently unassigned operating areas, licensing of individuals for meatpacking services, unassigned boating opportunities on the Salmon River, and future IOGLB meeting

considerations; **Idaho Road Access Task Force:** The director has been working with the Idaho Road Access Task Force to assist with development of an informational booklet that will provide helpful information about public access to private and public lands in Idaho. Representatives from the U.S. Forest Service, Bureau of Land Management, Idaho Department of Fish & Game, Idaho Department of Parks and Recreation, U.S. Fish & Wildlife Service, Bureau of Reclamation, and the Idaho Association of Counties also participated on this task force. A final draft of the booklet has been accepted and is being printed; **Ridge Taylor Public Meeting:** The director facilitated a public information meeting in Pocatello on February 6 to discuss a pending hunting amendment proposal submitted by outfitter Ridge Taylor. Approximately 40 people attended the meeting to express their concerns or support for the amendment. Representatives from the Idaho Department of Fish & Game and the Bureau of Land Management also participated; **Southwest Idaho Ecogroup Management Plan Meeting:** Director Sangrey also reported on attending a management plan revision meeting co-hosted by the Boise, Payette and Sawtooth National Forests. The meeting was facilitated by the southwest Idaho USFS representatives and was organized to bring representatives of various state and federal agencies together to review the goals and objectives of the Forest Service as they embark on a major revision of the various forest management plans; **Location for April Board Meeting:** Because of several significant issues currently pending before the Board, the director recommended that the regular meeting scheduled for April be held in Salmon. After discussion, the Board concurred with the recommendation to take the meeting to Salmon for the April 28/May 1 regular meeting.

Steve Scanlin, Board Counsel: Mr. Scanlin brought the Board up-to-date on various current legal issues including a proposed rules amendment package, current status of the Trail Creek Outfitters license, information regarding the Board's housekeeping legislation, and several other issues he had researched on behalf of the Board and assistance he had provided to the staff.

Jim Kusler, Crystal Creek Camp: Mr. Kusler and his sons Chris and Monte met with the Board to discuss their proposal for a hunting and recreational outfitting business which would cater to physically challenged individuals. He explained that their initial interest is in developing a limited operation to provide big game hunting opportunities to disabled hunters. They have received significant support from the Department of Fish & Game, the U.S. Forest Service and local community leaders in the Fernwood/Santa/Emida area. At the conclusion of the interview, MSC (Lyon - Bernt)
TO APPROVE THIS PROPOSAL FOR A SPECIALIZED HUNTING AND
RECREATIONAL OUTFITTING LICENSE FOCUSING ON PHYSICALLY
CHALLENGED CLIENTELE. BECAUSE THE BOARD IS MINDFUL OF POTENTIAL
IMPACTS RELATED TO THE FUTURE IMPLEMENTATION OF A TAG ALLOCATION
PROCESS, THE CRYSTAL CREEK CAMP LICENSE WILL ESTABLISH SPECIFIED
LIMITS ON THE NUMBER OF CLIENTS ALLOWED IN CERTAIN AREAS, AND THE
OPERATING AREA WHERE ACTIVITIES MAY BE CONDUCTED.

ADDITIONALLY, ALL BIG GAME HUNTING CLIENTS MUST POSSESS THE APPROPRIATE DISABILITY PERMIT AS REQUIRED AND ISSUED BY THE IDAHO DEPARTMENT OF FISH AND GAME.

The meeting recessed for lunch at 11:20 AM.

Board Member Senate Confirmation Hearings: Following lunch, the Board proceeded to the Idaho Statehouse so that Board Chairman Leo Crane and member Ray Lyon could appear before the Senate Resources and Environment Committee for their confirmation hearings.

The Board meeting reconvened at 1:30 PM with all members present.

Board Counsel: Board Attorney Steve Scanlin continued his report with a more detailed review of the draft language for the proposed rules change package. Items in the initial draft include: consideration for licensing of goat packing, parasailing and meatpacking operations; modifying certain definitions; creating a temporary guide license category; changing the timeline for license renewal procedures; clarification of mandatory reporting requirements; and providing a description of the standard terms of probation for disciplines by the Board. The draft was taken under consideration for further discussion.

Bill Anson, McCall Parasail & Recreational Rentals: Mr. Anson appeared before the Board to discuss his interest in becoming licensed with the Board to provide recreational parasailing services on Payette Lake as well as other waters in the state. His presentation included information about the state-of-the-art equipment and training available currently to provide this service and his certification showing completion of this training. He also provided a proposed operating plan and other information about parasailing operations. He explained that one or two commercial parasailing businesses currently operate in northern Idaho and there are approximately 500 such businesses now in operation in other sections of the country, particularly in southern California and Florida. Following this presentation, the Board recommended that he talk with the Idaho Department of Water Resources, the Department of Aeronautics, and check further into what other areas are doing as far as regulation of these types of businesses.

Eagle Johnson, SML Outfitters: Mr. Johnson appeared before the Board to discuss the status of his outfitter license. Also present were McCall District Ranger Randy Swick and recreation staff Gary Elliott. The primary issues at hand concern SML Outfitters' failure to maintain their special use permit with the Payette National Forest and their non-renewal of their outfitter license. Mr. Johnson explained that along with his original partner Mark Downing, he was licensed in 1993 to operate SML Outfitters, a big game hunting operation on the Payette National Forest. Mr. Johnson works extensively outside the United States and did not closely monitor the routine operation

of the business. According to activity reports filed with the Licensing Board, there has not been much reportable activity since 1993. Mr. Downing is now seriously ill and unable to actively participate in the business operation. Mr. Johnson stated he and his wife are very interested in trying to reestablish the business and make it a viable operation. The Board recommended that he make an effort to meet with Ranger Swick to discuss any possible options that would allow for reissuance of their special use permit. They made an appointment to meet the following day, Tuesday, February 25, and agreed to report back to the Board.

Tom Demorest, Diamond D Outfitters: Mr. Demorest appeared along with IDF&G non-game wildlife manager Wayne Melquist to discuss Mr. Demorest's interest in changing the outfitter licensing rules to allow for commercial hunting of bobcats. At the present time bobcats are classified as a furbearer under Idaho law and are therefore not a licensable species under current Board rules. Mr. Melquist agreed to contact wildlife biologists throughout the Department to ascertain the current status of bobcat populations and the biological considerations dealing with a change of this type.

The meeting recessed at 5:45 PM, and reconvened at 8:15 AM, Tuesday, February 25, 1997, with all Board members present, as well as Board Executive Director, Board Attorney and Education/Law Enforcement Supervisor.

Margaret Gorski, District Ranger, Powell Ranger District: Ms. Gorski met with the Board to review her analysis and recommendations for future licensing and permitting decisions in the Warm Springs operating area, which was previously licensed to Gordon Frost. Also in attendance for this presentation were licensed outfitters Sherry Nygaard, Tim Craig, Al Jones, Ken Smith and Al Latch. Ranger Gorski presented copies of her analysis and recommendations along with maps for the Board to review. Her presentation included eight alternatives for managing future use of the area. These included variations from no outfitted activities at all to realignment of boundaries and changing authorized activities. Following her presentation and thorough discussion, MSC (Haynes--Bernt) TO ACCEPT THE RECOMMENDATIONS AS OUTLINED IN ALTERNATIVE 1 WHICH WOULD INCLUDE THE FOLLOWING: 1) MODIFY THE EXISTING OPERATING BOUNDARY FOR TRIPLE "O" OUTFITTERS TO INCLUDE LANDS LAYING NORTH OF THE LEWIS AND CLARK MOTORWAY IN THE VICINITY OF SPRING MOUNTAIN AND EXTENDING EASTWARD TO ENCOMPASS MOST OF THE AREA PRESENTLY LICENSED TO AL LATCH, LOST LAKES OUTFITTERS; DELETE THE SOUTHEASTERN PORTION OF THIS OPERATING AREA WHICH STRADDLES THE CLEARWATER/IDAHO COUNTY LINE WEST OF LOLO PASS AND INCLUDES EXTENSIVE HOLDINGS OF PLUM CREEK LOGGING COMPANY; MODIFY THE EXISTING BOUNDARY IN THE VICINITY OF WHITE BEAVER CREEK TO AMEND THIS AREA TO THE JACK WEMPLE, WILDLIFE ADVENTURES, OUTFITTER OPERATING AREA; OPPOSE THE RECOMMENDATION FOR REMOVAL OF THE PORTION OF THE GORDON FROST OPERATING AREA LAYING NORTH OF FOX PEAK AND MOOSE CREEK AND RETAIN IT IN THE NEW

PROPOSED OPERATING BOUNDARY FOR THE WARM SPRINGS AREA; AND, OPPOSE THE ESTABLISHMENT OF A SMALL "NON-OUTFITTED AREA" BUFFER ZONE ADJACENT TO BOULDER CREEK OUTFITTERS SITUATED WEST OF MCCONNELL MOUNTAIN AND EAST OF CALIFORNIA POINT. THE RESULTING REDEFINED OPERATING AREA, SITUATED NORTH AND SOUTH OF HIGHWAY 12 AND THE LOCHSA RIVER, WILL BE ASSIGNED TO AL LATCH, LOST LAKES OUTFITTERS. THE DIRECTOR WAS INSTRUCTED TO INFORM THE POWELL RANGER DISTRICT OF THIS DECISION. **Administrative Note:** Upon informing representatives of the Powell and Moose Creek Ranger Districts of this decision, they shared strong reservations and recommendations for reconsidering the alignment of the boundary in the vicinity of Fox Peak and Moose Creek. The area is extremely difficult to access anywhere from the north and just lends itself much better to utilization from an outfitter operating from the south. Bill Gooseman, from the Moose Creek Ranger District, will provide additional input regarding this recommendation, which may suggest further consideration by the Board.

Grant Simonds, IOGA Executive Director: Mr. Simonds discussed several issues with the Board, including IOGA concerns regarding the Warm Springs analysis, the outfitter allocation process, establishment of a licensing moratorium for big game hunting, and legislative matters.

The Board recessed for lunch at 12:00 noon and reconvened at 1:30 PM.

Pat Nadeau, Idaho Department of Education: Mr. Nadeau, Proprietary School Specialist with the Department of Education, gave a presentation to the Board about state licensing guidelines for proprietary schools, veterans education, and special services. The purpose for this discussion was to identify for the Board if there are any concerns they need to consider regarding possible licensing and regulation of outfitter guide schools. At the conclusion of the discussion, it was determined that full licensing of guide school operations by the Board is not necessary or required, but that Mr. Nadeau's presentation should be made available for individual licensees so they can consider if portions of the proprietary school process might be beneficial for them.

Ken Price: Mr. Price appeared accompanied by his father, Lamar Price, to discuss his concerns with the outfitter licenses presently issued to Ron Clark and B.J. Hill. Mr. Price contends that Mr. Clark fraudulently obtained the outfitting areas in IDF&G Mgmt Units 60 and 62A by misrepresenting information to the Licensing Board. The outfitter business conducted in these operating areas was purchased from Mr. Clark by Mr. Price in 1993. Subsequently, a portion of the hunting business was purchased by Mr. B.J. Hill, and Mr. Price further alleges that this sale and transfer should also be nullified by the Board because of the actions of Mr. Clark. At the conclusion of this discussion, the Board suggested that Mr. Price consult with Education/Law Enforcement Supervisor Bill Vetesy to determine if any legal issues exist that would cause the Board to consider disciplinary action against Mr. Clark.

Steve Tobiason, Board Prosecuting Attorney: Mr. Tobiason appeared to review an administrative complaint and stipulated agreement regarding licensed outfitter High Desert Ranch, Inc. Following his presentation, MSF (Bernt--Haynes) TO ACCEPT THE PROPOSED RESOLUTION. A substitute motion was proposed by Ray Lyon to table further discussion on the matter until consultation could take place with the IDF&G conservation officer involved in the case. MSC (Lyon--Bernt) TO TABLE THE HIGH DESERT RANCH MATTER UNTIL THIS CONSULTATION IS COMPLETED.

Bill Vetesy, Education/Law Enforcement Supervisor: Mr. Vetesy presented his quarterly report to the Board including a status report on current enforcement staffing, client complaints, citation procedures, policies update, etc. He further reported that during the second quarter, the following investigative results occurred:

New cases opened on licensed outfitters -	16
Cases closed on licensed outfitters -	11
Cases determined unfounded -	8
New cases opened on unlicensed outfitters -	40
Cases closed on unlicensed outfitters -	31
Warning letters sent to licensed outfitters -	2
Citations issued to licensed outfitters/guides -	1
Citations issued to unlicensed outfitters -	1

Shannon Alley: Ms. Alley and her husband Monte appeared before the Board to discuss her outfitter license application. She entered into a purchase agreement with former outfitter Nanette Edmondson-Klingback, dba: Anderson Creek Outfitters, to purchase her trailriding business. The director reiterated for the Board that with the signing of a stipulated agreement between Ms. Edmondson-Klingback and the Licensing Board, Ms. Edmondson-Klingback agreed to renew the outfitter license for the 1996-97 license year and would work to identify a suitable buyer for the trailriding business. If an application for purchase of the business was not submitted by December 31, 1996, the license would be revoked at that time. Ms. Alley submitted the essential parts of a license application package, including a written sales agreement from Nanette Edmondson-Klingback, on December 12, 1996. However, the Anderson Creek Outfitters license had not yet been renewed. At the conclusion of the interview with Ms. Alley, and following considerable Board deliberation, MSC (Haynes-Crane) THAT THE OUTFITTER LICENSE FORMERLY ASSIGNED TO NANETTE EDMONDSON-KLINGBACK BE VACATED, BASED ON HER FAILURE TO COMPLY WITH THE BOARD'S ORDER FOLLOWING HER DISCIPLINARY ACTION IN 1996.

Meeting recessed at 5:25 PM and reconvened at 8:45 AM on Wednesday, February 26, 1997. All Board Members present as well as Board Executive Director and Board Education/Law Enforcement Supervisor.

Steve Mealey, Director, Idaho Department of Fish & Game: The director introduced Mr. Mealey, newly appointed director for the IDF&G. Mr. Mealey stated his intent to continue the positive working relationships that exist between the Department and the Board. He also shared his insight into the more significant issues dealing with the proposed outfitter allocation process and the Department-sponsored legislation currently before the Idaho House of Representatives Resources and Conservation Committee. The Board extended their appreciation to Mr. Mealey for meeting with them and expressed their support for continuing the positive relationship between the agencies.

Special Action Status Reports: The director presented status reports on various licensing determinations made by him between board meetings. Licenses were approved and issued for new outfitters **Socatean Corporation, Downata Ranch, Frank Krekeler, B.J. Hill, Seven Devils Lodge, Maurice Hornocker, Michelle Melehes, Ray Rugg, and Doug Meyer.** Amendments were approved for **Jim Bass, dba: Whiskey Mountain Outfitters, Heavens Gate Outfitters, Joe Burch, LeMoyné Hyde, and Drifters, Inc.**

Kerry Brennan Rapid River Outfitters: Mr. Brennan appeared before the Board to discuss his licensed floatboat steelhead fishing operation on the Salmon River below Riggins, Idaho. Rapid River Outfitters is one of the three businesses presently authorized to conduct steelhead fishing trips on the SA7C section. He also expressed his interest in modifying the daily boat limit restriction for the Spring Bar to Hammer Creek section of the river. He feels that business is increasing sufficiently to support a permanent expansion in the numbers of boats that could be utilized by each outfitter per day. During this discussion, the point was raised that there may not be a formal restriction on the number of boats allowed during the winter from October 1 through March 31. Following this discussion, the Board suggested that Mr. Brennan consult with the BLM at Cottonwood regarding any current restrictions, and that the director work with Mr. Brennan and the BLM on this issue.

The meeting recessed for lunch at 11:40 AM and reconvened at 1:30 PM.

Ridge Taylor, Ridge Taylor Outfitting: The Board reviewed an amendment request submitted by Mr. Taylor for the addition to his license of cougar hunting in IDF&G Mgmt Unit 73A and cougar and deer hunting in Unit 73. The director reviewed the results of the public meeting that was conducted in Pocatello on February 6 regarding this issue. During that meeting, various issues were discussed, including concerns about the IDF&G management strategy for cougar in southeast Idaho, commercial hunting of cougar in general, the threat to life and property from increasing numbers of cougar in the region, and that the cougar should be left entirely alone with no hunting allowed. Following a thorough discussion, MSC (Bernt--Haynes) TO APPROVE THE AMENDMENT REQUEST AS SUBMITTED WITH APPROPRIATE LIMITATIONS AS

PROPOSED BY MR. TAYLOR REGARDING NUMBERS OF CLIENTS THAT WILL BE SERVED EACH YEAR IN THESE AREAS.

The Board meeting recessed at 2:30 PM so they could attend a meeting at the Red Lion Downtowner with the Forest Supervisors from all of Idaho's national forests.

Joint Forest Supervisors Meeting: The Board met with the Forest Supervisors and additional staff from the Idaho Panhandle, Clearwater, Nez Perce, Payette, Boise, Sawtooth, Salmon-Challis, Targhee and Caribou National Forests. Grant Simonds and Ken Smith, representing the IOGA, also attended. Mr. Simonds presented a brief video program that addressed a concern dealing with client relations problems created when an outfitter loses his special use permit privileges and/or outfitter license and is prohibited from providing services to clients that are booked for fall hunts. This situation has occurred in each of the last two hunting seasons (1995 and 1996) which has created severe hardships for many private hunters and a tremendous management problem for several agencies and the IOGA. The group shared a meaningful dialogue addressing the cause and effect of the problem and agreed that more emphasis should be placed on early communication when operational or performance problems begin to appear with an outfitted operation. The consensus was to further additional discussions about this problem and incorporate this issue into the continuing review of the memorandum of understanding (MOU) between the Forest Service and the Licensing Board.

The Board returned to the Board office and reconvened the meeting at 4:15 PM.

December, 1996, Board Meeting Minutes: Following a review and discussion, MSC (Lyon-Haynes) TO ACCEPT THE MINUTES AS CORRECTED.

Kathleen Gliksman, Salmon Valley Guide Service: The director provided a report outlining the voluntary relinquishment of the outfitter license for floatboating and fishing on the SA3 and SA4 (Challis to Iron Creek and Iron Creek to North Fork) sections of the Salmon River. Following this review, MSC (Lyon-Bernt) TO ACCEPT THE VOLUNTARY RELINQUISHMENT OF THIS OUTFITTER LICENSE BY MS. GLIKSMAN.

Meeting adjourned at 5:10 PM and reconvened at 8:10 AM on Thursday, February 27, 1997. All Board members present as well as Board Executive Director.

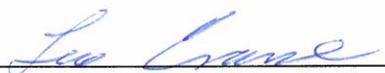
Goals and Projects Priority List: The director reviewed the list of program and project priorities that was drafted in December and shared with the IOGA Board of Directors. The Board's intent is to develop a prioritized list of goals and projects for both the near and long term. The list will consist of specific Board priorities as well as some projects that might be jointly pursued by the Board and the IOGA. The director will continue developing these goals and coordinate these efforts with the Board and

discussion, MSC (Bernt-Crane)(Bernt-aye, Haynes-nay, Lyon-abstain, Crane-aye) TO ACCEPT THE PROPOSED STIPULATION AND AGREEMENT WITH MODIFICATIONS AS DISCUSSED, AND PURSUANT TO ACCEPTANCE OF THESE CHANGES BY THE DEFENDANTS ATTORNEY'S.

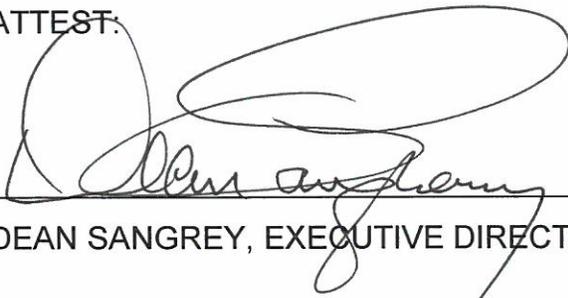
Board recessed for lunch at 12:15 PM and reconvened at 1:10 PM with Board members Bill Bernt, Ray Lyon, and Leo Crane. Diana Haynes had to depart early to attend to a previous commitment.

Financial Report: The director presented the financial report as of January 31, 1997, for Board review. Following discussion, MSC (Lyon--Bernt) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED.

With no further business to come before the Board, the meeting was adjourned 2:15 PM, Thursday, February 27, 1997.



LEO CRANE, BOARD CHAIRMAN

ATTEST:


DEAN SANGREY, EXECUTIVE DIRECTOR