

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD**

APPROVED MINUTES

APRIL 28 - MAY 1, 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 8:50 AM, Monday, April 28, 1997, at the Salmon Public Library, 204 Main St., Salmon, Idaho. Board Chairman Leo Crane, Vice Chairman Diana Haynes, and members Wayne Hunsucker, Bill Bernt and Ray Lyon were in attendance. Also present were Executive Director Dean Sangrey, Education/Law Enforcement Supervisor Bill Vetesy, and Board Counsel Steve Scanlin.

Agency Representatives: Salmon-Challis National Forest Supervisor George Matejko, Recreation Technician Michael Liner from the Bureau of Land Management, Idaho Fish & Game Commission Chairman John Burns and IDF&G Salmon Region Supervisor Gary Power welcomed the Board to the Salmon area. The agencies agreed that one of the main reasons for the IOGLB to meet in Salmon at this time was to further deliberations regarding the vacated outfitter areas formerly licensed to Frankie Valvo and John Valvo. These former operations were licensed in IDF&G Management Units 30, 30A, 58, and a portion of Unit 28 just west of the city of Salmon.

Gary Power presented a general overview of current Fish & Game issues in the area and how they relate to outfitting. He spoke briefly about concerns with the vacated areas, issues to be considered concerning the need for meatpacking services, and agency concerns about the potential for waste of game meat in these situations.

Commissioner John Burns reported on recent action taken by the F&G Commission with respect to the new allocation process and the selection procedure being finalized for the new membership on the allocation team.

Michael Liner extended greetings from Resource Area Manager Dave Krosting, who had a previous commitment and could not join the meeting. Mr. Liner expressed the BLM's support for the concept of possible future outfitted recreational services in the Salmon area. They believe there will be opportunities for various non-consumptive land-based activities as well as some potential for services on sections of the Salmon River between Challis and North Fork, Idaho.

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES - APRIL 28 - MAY 1, 1997

Forest Supervisor Matejko welcomed the Board and expressed his support for the review of potential recreational opportunities on the Salmon-Challis NF. He also commented on the pending release of the draft environmental impact statement for the Forest.

STAFF REPORTS

Executive Director: Director Sangrey reported on the following issues: Agency Secretary Donna Talbot submitted her resignation on April 18, citing health and personal reasons. Efforts to locate a replacement have been initiated, with interim adjustments involving the Board's part-time clerical staff having been implemented during the transition. He reported on the status of current licensing activity with a total of 251 outfitter, 161 designated agent and 290 guide licenses having been issued as of April 24. He will present a discussion dealing with a proposed license fee increase later in the week.

February Minutes: The Director presented a final draft of the minutes of the February Board meeting. Following a discussion, MSC (Bernt--Lyon) TO APPROVE THE MINUTES AS PRESENTED.

Financial Report: The Board reviewed the March month-end financial condition report presented by the director. At the conclusion of this review, MSC (Haynes--Hunsucker) THAT THE FINANCIAL REPORT BE ACCEPTED.

Ex-parte Communications: Bill Bernt inquired about the issue of ex-parte contacts with Board members from individuals having a potential conflict with the Board. Steve Scanlin reviewed the history of the ex-parte issue and encouraged Board members to continue their practice of discouraging these kinds of contacts with the public.

Ken Hoffman: Wayne Hunsucker submitted a letter to the Board he had received from Mr. Hoffman. He is a Boise resident who has expressed concerns about the activities of licensed outfitter Stan Meholchick, dba: Juniper Mountain Outfitters. This matter is currently under investigation by the Board and additional information will be forthcoming at a later date.

Floatboating Experience Logs: Bill Bernt and the Director presented a discussion relating to the Board's practice of accepting experience logs from floatboat guide applicants. The Director reviewed the procedures as followed by the office staff, which is in concert with the provisions of Board Rule 040 - Float Boatman Qualifications-Classified Rivers.

The meeting recessed for lunch at 11:45 AM.

Lemhi County Commissioners: The Board met with the Lemhi County Commissioners at the County Courthouse at 1:30 PM. Director Sangrey introduced the members of the

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES - APRIL 28 - MAY 1, 1997**

Board to the Commission and presented an overview as to why the Board was meeting in Salmon and the local issues that are of concern to the IOGLB. The Commissioners thanked the Board for traveling to Salmon, and expressed their support for what the Board was addressing, and also shared their support for the local outfitting community. The group also discussed the Lemhi County Land Use Plan and its positive impact on recreational activities in the community.

The Board meeting reconvened at the Salmon Public Library at 2:30 PM with all members present.

Lost River Ranger District: District Ranger Dave Fallis and Mike Foster from the Lost River Ranger District in Mackay met with the Board to discuss their concerns regarding the performance of licensed outfitter Lawrence Hill. Mr. Fallis advised that Mr. Hill has not performed satisfactorily under the terms of his special use permit with the Forest Service and they do not intend to renew his permit for the 1997 season. The Board acknowledged their position and requested they advise our office of further developments in this regard.

Steve Scanlin, Board Counsel: Mr. Scanlin reported on the status of various Board legal issues, including: the pending sale of Trail Creek Outfitters; settlement of the High Desert Ranch matter following receipt of their \$6,000.00 fine; a status report on the various issues involving Rich Cook; proposed rules promulgation; and other routine legal matters.

Bill Vetesy, Education/Law Enforcement Supervisor: Mr. Vetesy reported on his attendance at the annual Targhee National Forest/Outfitter meeting held in Idaho Falls on April 15. One of the issues reviewed during that meeting concerned the ongoing problem/confusion with regard to third party agreements between the licensed fishing outfitters on the South Fork of the Snake River. A training session is planned with all of the affected outfitters, interested agency representatives, Board Director Sangrey and Mr. Vetesy. Plans will be formulated to conduct this training sometime this spring before the season starts on the South Fork. He also reported on recent efforts under the education program, current cases being worked by the enforcement bureau, status of complaints, and provided an update on the personnel roster for the bureau.

The meeting recessed at 5:00 PM and reconvened at 8:15 AM, Tuesday, April 29, with all Board members present.

Mark O'Day Show Cause Hearing: Mr. O'Day appeared in a show cause hearing regarding his conviction for four violations of Montana outfitter and guide laws and his additional conviction for two violations of the Idaho Outfitters and Guides Act. All Board members were in attendance, as well as Board executive director and counsel, Board prosecuting attorney Steve Tobiason, IDF&G Conservation Officer John Scott, wildlife biologist Mike Scott, and outfitter Mike Stockton. During the hearing, Director

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES - APRIL 28 - MAY 1, 1997

Sangrey informed the Board that Mr. O'Day's designated agent license for employment with Mike Stockton had expired on March 31, 1997, and has not yet been renewed, pending the outcome of this hearing. Mr. O'Day stipulated to the violations. Following presentation of all testimony in this matter, MSC (Haynes--Lyon) TO DENY THE RENEWAL OF THE DESIGNATED AGENT LICENSE FOR MR. O'DAY.

Mike Stockton, dba: B-Bar-C Outfitters, Show Cause Hearing: Mr. Stockton appeared in a show cause hearing regarding his citation for willfully operating in an area for which he was not licensed. Board Chairman Leo Crane recused himself from the hearing based on some prior knowledge of the incident. This case involved the conduct of a whitetail deer hunt allegedly provided well outside the recognized operating boundary for B-Bar-C Outfitters. Mr. Stockton stipulated to the violation. At the conclusion of testimony, MSC (Lyon--Hunsucker) THAT THE OUTFITTER AND GUIDE LICENSES FOR MIKE STOCKTON, dba: B-BAR-C OUTFITTERS, BE ISSUED PROBATIONARY FOR THE REMAINDER OF THE 1997-98 SEASON. THE NORMAL TERMS OF PROBATION APPLY, THAT IS THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS, AND THAT NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1998.

John Scott: At the conclusion of the Stockton hearing, IDF&G CO John Scott addressed the Board to express his concerns regarding some recent administrative decisions pertaining to licensing and enforcement issues. He informed the Board he felt some of the actions taken administratively by the director and others on the enforcement staff were not in holding with the best intent or desires of the Licensing Board and he wanted to bring these issues to their attention. He stated he was speaking on behalf of the Idaho Conservation Officers Association and that many of their members concurred with his representation that they questioned some of the actions, or lack thereof, by the Board and its enforcement staff in investigating and prosecuting cases.

The meeting recessed for lunch at 11:50 AM and reconvened at 1:10 PM, with all members present.

Jeff Nitcy: Mr. Nitcy appeared before the Board to discuss his new outfitter license application for the conduct of deer, bear and forest grouse hunting on portions of National Forest, Idaho Department of Lands, and certain private property in the vicinity of St. Maries, Idaho. His initial proposal covered an extensive amount of land east of St. Maries. The IDF&G expressed concerns relative to the high incidence of general hunting pressure the area currently receives and the potential for increased outfitter conflicts with the general public if this proposal were approved. Mr. Nitcy has modified his original proposal to remove significant portions of the land area intended for use in his operation, and will work further with the Department to satisfy their concerns, if possible. He will also continue to coordinate future consideration of his application with the Board office.

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES - APRIL 28 - MAY 1, 1997

Lynn Tomlinson, dba: Silver Spur Outfitter: Mr. Tomlinson appeared before the Board to discuss the status of his probationary outfitter license. He was found guilty of outfitting without a license in 1993 and ordered by the District Court to pay a \$5,000.00 fine to the Board. Under the terms of a stipulated settlement, this fine was to be paid over a period of 48 months. The final installment was received on April 14, 1997, and Mr. Tomlinson has requested that the Board now consider removing the probationary status from his license. Following a review and discussion of the circumstances in this matter, MSC (Lyon--Hunsucker) THAT THE PROBATIONARY STATUS OF THE LYNN TOMLINSON, dba: SILVER SPUR OUTFITTER, LICENSE BE REMOVED EFFECTIVE THIS DATE.

Executive Session: MSC (Lyon--Haynes) THAT IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE, THE BOARD GO INTO EXECUTIVE SESSION AT 3:05 PM TO DISCUSS LITIGATION MATTERS. MSC (Haynes--Lyon) TO COME OUT OF EXECUTIVE SESSION AT 3:30 PM WITH NO DECISIONS MADE.

Gary Haight: The Board reviewed a request from the executive director to consider removing the probationary status from the guide license of Mr. Haight. Following discussion, it was suggested the director conduct further analysis into the circumstances surrounding this matter and report back to the Board at their June meeting.

Board member Ray Lyon departed the meeting at 4:30 PM to return to Boise to attend to previous commitments for the following day.

The meeting was recessed at 4:45 PM, and reconvened at 7:20 PM for the open house scheduled in the meeting room at the Salmon Public Library. Approximately 30 interested residents, along with agency representatives and State Representative Lenore Barrett (R-Challis) attended the discussion. At issue was consideration for possible future licensing of both hunting and non-consumptive outfitter activities in land areas around Salmon and on the Salmon River between Challis and North Fork, Idaho. IOGLB Director Sangrey presented a history behind the outfitter vacancies that presently exist and explained that in conjunction with other management agencies the Board is beginning the required steps to reevaluate the potential for reinstating commercial operations in the areas in question. This analysis will include possible relicensing and special use permitting of qualified outfitter businesses for various recreational opportunities.

The public meeting adjourned at 9:00 PM.

The Board meeting reconvened at 8:15 AM, Wednesday, April 30, with all members present except Ray Lyon.

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES - APRIL 28 - MAY 1, 1997

North Idaho Companies, LLC, Vanessa Edwards, Designated Agent: Ms. Edwards appeared before the Board along with her husband, Gary, to discuss future plans they are developing for expansion of their outfitting business in the St. Maries area. They are finalizing plans to develop a rural destination lodge to provide accommodations and services that will compliment their outfitted operation. Ultimately, they will submit amendment requests to expand into other commercial ventures to further diversify the outfitted opportunities under the North Idaho Company's licensed operations.

Tom Loder, Panhandle Outfitters: The Board reviewed a letter submitted by Mr. Loder regarding an outfitter license application received from Mr. Joe Roope for possible licensing on the St. Joe River. After reviewing the information and discussing the matter further with the director, the Board recommended Mr. Loder be advised that his concerns are of a civil nature and therefore not something with which they would get involved. The director was instructed to communicate this position to Mr. Loder accordingly.

Ray Baier, Four Seasons Outfitting and Guides: The Director informed the Board that Mr. Baier has submitted a renewal application for his outfitter license and we have been advised by the St. Maries Ranger District that they do not intend to renew his outfitter special use permit. Several issues regarding Mr. Baier's overall performance were discussed and the Board recommended these issues be thoroughly investigated before any final decisions are made regarding licensure for this year.

Rules Promulgation Hearing: A rules promulgation hearing was called to order by Board Counsel Steve Scanlin at 10:00 AM. The purpose of the hearing was to formally review the proposed rules change package being considered by the Licensing Board and to amend the initial rules package to include suggested modifications. These changes incorporate additions to the "river list" in the present rules to add licensable sections for the lower reaches of the Boise River downstream from Garden City, Idaho, and the lower reaches of the Payette River downstream from Black Canyon Dam in Gem County. Following the conclusion of discussion and input from Board members, MSC (Hunsucker--Haynes) THAT THE RULES PACKAGE BE MODIFIED TO INCLUDE THE NEW RIVER SECTIONS AS REQUESTED BY PETITION AND THAT THE RULES PROMULGATION PROCESS PROCEED ACCORDING TO APA PROCEDURES.

The meeting recessed for lunch at 11:50 AM and reconvened at 1:30 PM.

Shane McAfee, Castle Creek Outfitters: Mr. McAfee appeared before the Board to discuss his amendment request to expand his outfitted activities to include trophy whitetail hunting. He has solicited and received approval from approximately 10 private land owners to develop and provide limited whitetail hunting trips in various locations around Lemhi County. IDF&G wildlife biologist Mike Scott commented that the Department has some concerns about the perception, at least, that this type of operation will contribute to the restriction or elimination of access for the public on these lands.

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES - APRIL 28 - MAY 1, 1997**

According to McAfee and Scott, the reality is that all of the private lands in question are presently posted and public access is essentially non-existent. The IDF&G would like to address the need for developing some access arrangements to these properties to allow for harvest of additional whitetail deer to alleviate potential depredation problems. This matter will be investigated by McAfee in coordination with Mr. Scott and others at the Salmon Region office. Following this discussion, MSC (Haynes--Hunsucker) TO APPROVE THE AMENDMENT REQUEST SUBMITTED BY MR. MCAFEE CONTINGENT UPON THE RESULTS OF FURTHER CONSULTATION AND COORDINATION WITH THE IDF&G. FURTHER, THE BOARD RECOMMENDED THAT MR. MCAFEE NOT ENTER INTO EXCLUSIVE USE CONTRACTS WITH ANY OF THE PRIVATE LANDOWNERS.

Bill Gooseman, Selway Ranger District: Mr. Gooseman presented a final proposal for Board consideration to modify the operating area boundary for the former Warm Springs area. His recommendations were reviewed and some alternatives discussed, with a final agreement deemed acceptable which will shift some operations between adjacent outfitters and also change some of the former boundary lines to make the new area more manageable. Everyone agreed these would be appropriate adjustments and Mr. Gooseman indicated he would construct some maps showing the new alignment and get them distributed as soon as possible.

Scott Schaefle: The Board reviewed a guide license application submitted by Mr. Schaefle for employment with Northwest Academy. It was noted that Mr. Schaefle acknowledged a prior conviction for felony drug possession in 1989 and had since completed a court-ordered probation satisfactorily. Following a review of this information and other related materials supplied with his application, MSC (Hunsucker--Bert) TO APPROVE THE GUIDE APPLICATION FOR MR. SCHAEFLE CONTINGENT UPON THE EVALUATION RECEIVED FROM THE BOARD'S TECHNICAL ADVISORY COMMITTEE.

Graham MacKenzie: Mr. MacKenzie has submitted a guide license application for employment as a fishing guide with Silver Creek Outfitters. Preliminary investigation by the Board has revealed that Mr. MacKenzie was convicted for violating Idaho Fish & Game law in 1994 and he did not acknowledge this fact on his application. Following review of the file and further discussion, MSC (Haynes--Hunsucker) THAT MR. MACKENZIE'S 1997-98 GUIDE LICENSE APPLICATION BE DENIED.

The meeting recessed at 5:00 PM and reconvened at 8:20 AM, Thursday, May 1, 1997, with all Board members present except Ray Lyon.

Patrick J. Kelley: The Board reviewed information submitted by Mr. Kelley relating to his interest in renewing his guide license at some point during the current season. He has provided statements concerning a felony conviction in 1989 for disturbing, collecting and selling Native-American artifacts. This fact had not previously been brought to the

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES - APRIL 28 - MAY 1, 1997

attention of the Board. Following this discussion, the Board directed that Mr. Kelley be invited to attend their June meeting to address this issue further.

Henrys Lake: The director reported to the Board that a vacancy currently exists for one of the eight authorized slots for powerboat fishing on Henrys Lake. Interest has recently been expressed by Mr. Ron Slocum to obtain approval for providing this type of service. Following this discussion, MSC (Bernt--Hunsucker) THAT THE DIRECTOR TAKE APPROPRIATE STEPS TO RESEARCH THE ADVISABILITY OF FILLING THIS VACANCY AND PROPERLY ADVERTISE FOR PUBLIC APPLICATION.

Doug Higgins: The Board reviewed an outfitter license application submitted by Mr. Doug Higgins for powerboating, floatboating, and fishing on the Kootenai River, and floatboating and fishing on the Moyie River. All licensing requirements have been satisfied by Mr. Higgins, including a proposed operating plan, financial information, satisfactory completion of the outfitter exam, and required boating training on both rivers. After reviewing Mr. Higgins' file and completing an analysis of his application, MSC (Hunsucker--Haynes) THAT THE APPLICATION OF MR. HIGGINS FOR OUTFITTER SERVICES ON THE KOOTENAI AND MOYIE RIVERS BE APPROVED.

John Heimer, dba: Boise River Tours: Mr. Heimer appeared before the Board to review and discuss his outfitter license application for floatboating activities on the Payette and Boise Rivers. Mr. Heimer has applied for the one remaining slot on the PA1 section of the Payette River from Banks to Black Canyon Dam. In addition, he has petitioned the Board to consider modifying the rules to include the lower section of the Payette River from Black Canyon Dam to the confluence of the Snake, and also the lower section of the Boise River from below Garden City to the confluence of the Snake River. In his proposal, Mr. Heimer intends to provide guided educational and recreational float trips. His client base will primarily be senior citizens, family groups, teachers, etc., and will focus on the educational benefits to be derived from these types of trips. After further discussion, MSC (Bernt--Haynes) TO APPROVE THE OUTFITTER LICENSE APPLICATION OF MR. HEIMER FOR THE FLOATBOATING OPPORTUNITY ON THE PA1 SECTION OF THE PAYETTE RIVER. FURTHER, THE BOARD ACKNOWLEDGED MR. HEIMER'S PETITION FOR ADDITIONAL LICENSING CONSIDERATION ON THE LOWER PAYETTE AND BOISE RIVER SYSTEMS AND DIRECTED THAT THESE REQUESTS BE INCLUDED IN THE CURRENT RULES AMENDMENT PACKAGE.

Darl Allred, dba: Garden Valley Trailrides: The Board reviewed an outfitter license proposal from Mr. Allred for trailride activities on a portion of the Boise National Forest and other public lands in the vicinity of Garden Valley, Idaho. His proposal incorporates various areas of National Forest, Idaho Department of Lands, Bureau of Land Management, and Boise Cascade Corporation, land ownership. Some of the proposed operating area, in the vicinity of Anderson Creek and Lightning Creek, overlaps an area

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
DRAFT MINUTES - APRIL 28 - MAY 1, 1997

currently licensed to Tom Carter, dba: Deadwood Outfitters, for hunting, trailriding, snowmobiling, and other recreational activities. Director Sangrey reported that he participated in a joint meeting with representatives from the Boise National Forest and the Bureau of Land Management to review this proposal. As a result of that interagency meeting, the USFS and BLM issued a joint agency position statement recommending approval of the Allred proposal as it pertains to the overlapped area, and denying all other areas requested in their amendment application until appropriate public scoping and other required research can be completed. Based on this input, and following additional review and discussion, MSC (Hunsucker—Bernt) TO APPROVE THAT PORTION OF THE DARL ALLRED AMENDMENT APPLICATION THAT INCORPORATES THE OVERLAP WITH THE TOM CARTER OPERATING AREA.

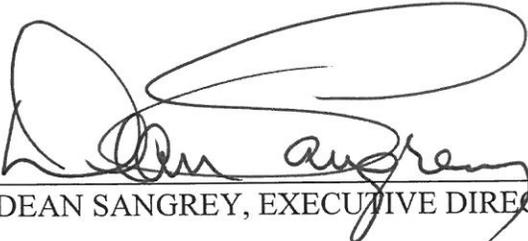
License Fee Increase and Application Fee Proposal: The Director reviewed the status of license fee and application fee considerations. He will endeavor to finalize a proposal for final Board review in the next two weeks. Due to staffing problems at the Board office over the last several weeks their schedule has become quite congested and efforts to complete this informational packet have been delayed. The Director did discuss several options under consideration for inclusion in the license and application fee proposal and the Board responded favorably.

With no further business to come before the Board, the meeting was adjourned at 11: 30 AM.



LEO CRANE, BOARD CHAIRMAN

ATTEST:



DEAN SANGREY, EXECUTIVE DIRECTOR