

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

JUNE 23 - 26, 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 8:30 AM, Monday, June 23, 1997, at the boardroom located at 1365 North Orchard, Room 172, Boise, 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.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon--Hunsucker) to go into executive session at 8:31 AM to discuss personnel matters. MSC (Bernt--Haynes) to come out of executive session at 8:55 AM with no decisions made.

**Steve Scanlin, Board Counsel:** Board Counsel presented his report on the following topics: **Ted Epley** - Steve attended a meeting with the Director at the Payette National Forest office in McCall. The meeting was conducted with Payette National Forest Supervisor Dave Alexander and other members of his staff to discuss the status of Ted Epley's outfitter license and special use permit; **Rules promulgation** - he gave a status report on the Board's rule promulgation process; **Rich Cook** - Steve continues to coordinate with attorney's representing potential buyers of Mr. Cook's outfitter businesses to reach acceptable compromises on those transactions; **Election of Board Officers** - He also informed the Board they must hold an election for new Board officers during this meeting, as the last election was conducted two years ago.

**Dave Alexander, Fred Dauber, Payette National Forest (PNF):** Forest Supervisor Dave Alexander and Fred Dauber, District Ranger for the Krassel Ranger District, appeared before the Board to review the present status of the outfitter license and special use permit concerning Ted Epley, dba: Epley's Inc. Mr. Dauber presented an overview of the history of Ted's operation on the National Forest and Director Sangrey reviewed the present status of Epley's outfitter license, explaining he is licensed for various activities and operating areas that are not conducted on the National Forest. The group also reviewed the guidelines established in the Memorandum of Understanding (MOU) which govern the joint agency evaluation and authorization procedures for approval of commercial outfitters in Idaho. The Forest Service is currently conducting a review of its decision not to reissue a special use permit for Mr. Epley. Because of Epley's varied base

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of operations which includes private, state and federal lands, the Licensing Board has no alternative but to issue him a license if all administrative requirements are satisfied. The group agreed to keep everything as is until a decision is rendered by the Forest Service.

**Christopher M. Kowarko:** Mr. Kowarko appeared before the Board to discuss his desire to amend his 1997-98 guide license for employment with another outfitter. He acknowledged that he was cited by the Idaho Department of Fish & Game (IDFG) in April, 1997, for violating steelhead fishing regulations. He presented a letter of explanation and also responded to specific questions from members of the Board. Following this discussion, MSC (Lyon--Haynes)(Bernt abstained) TO DENY THE GUIDE LICENSE AMENDMENT REQUEST FROM MR. KOWARKO BASED ON HIS RECENT CONVICTION FOR VIOLATING IDFG LAW.

**Mark O'Day:** Mr. O'Day appeared before the Board to review his 1997-98 guide license application for employment with Mike Stockton. The Board noted that Mr. O'Day was denied a designated agent license during the April Board meeting because of his recent convictions for violating Montana and Idaho outfitter laws. Based on this history, and following further discussion, MSC (Haynes--Lyon) TO DENY THIS GUIDE LICENSE APPLICATION SUBMITTED BY MR. O'DAY.

**Bill Vetesy, Education/Law Enforcement Supervisor:** Mr. Vetesy reported on several pending cases he is currently working, shared the results of his initial investigation into the fatal wagonride accident that occurred in eastern Idaho involving a licensed outfitter, and presented his year-end report on the operations of the education/law enforcement bureau. His report included details regarding his educational efforts during the last quarter with staff from the various National Forests around the state and the IDFG. He also conducted an additional briefing with personnel from Fairchild AFB in Spokane, Washington. The statistical information resulting from the past year's operations include:

New cases opened	- 134
Unlicensed outfitter cases	- 86
Unlicensed outfitter cases closed	- 45
Licensed outfitter cases	- 48
Licensed outfitter cases closed	- 45
Board citations	- 7
Criminal citations	- 7
Enforcement inspections	- 236

The meeting recessed for lunch at 11:50 AM and reconvened at 1:15 PM, with all members present.

**Graham MacKenzie, Denial Hearing:** Mr. MacKenzie appeared before the Board in a hearing regarding the denial of his guide license. The record shows he was convicted for violating Idaho Fish & Game law in 1994 and still had an outstanding warrant regarding

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this case. Mr. MacKenzie provided testimony explaining the circumstances when he was cited for fishing without his license in possession. He also stated he was unaware there was an outstanding warrant for him and that he would check into that situation immediately and resolve any questions. Following this testimony, MSC (Bernt--Hunsucker) THAT MR. MACKENZIE BE APPROVED FOR A PROBATIONARY GUIDE LICENSE AFTER HE RESOLVES ANY REMAINING ISSUES RELATIVE TO FINES OR COURT APPEARANCES THAT MAY BE NECESSARY. THE NORMAL TERMS OF PROBATION APPLY, THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND THAT NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1998.

**Election of Board Officers:** Following a discussion regarding the need for holding an election for Board officers, Leo Crane, Diana Haynes, and Wayne Hunsucker were unanimously re-elected to their present positions of Board Chairman, Board Vice Chairman, and Board Treasurer, respectively.

**Steve George:** Mr. George appeared before the Board along with his potential employer, Travis Bullock, to discuss Mr. George's pending application for employment. Mr. George had been convicted for a violation of Oregon Fish & Game law. Following discussion, MSC (Haynes--Bernt) THAT THE GUIDE LICENSE FOR MR. GEORGE BE APPROVED PROBATIONARY FOR THE 1997-98 SEASON. THE NORMAL TERMS OF PROBATION APPLY, THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND THAT NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1998. HOWEVER, AN UPGRADE FROM APPRENTICE HUNTING GUIDE TO HUNTING GUIDE WILL BE ALLOWED WHEN HE IS QUALIFIED.

**Legal Services Contract:** Steve Scanlin presented a proposed agreement for renewal of his legal representation contract with the Board. The new agreement is for \$30,000, representing an increase of \$4,500 over 1996. Following a review and discussion with the Director, MSC (Hunsucker--Lyon) TO ACCEPT AND APPROVE THIS NEW CONTRACT FOR LEGAL SERVICES.

**Dean Sangrey, Executive Director:** The Director reported on several personnel issues; gave an update on the Outfitter Allocation Team meetings; acknowledged the reappointment by Governor Batt of Diana Haynes to her second three-year term on the Board; reported on his training efforts during a guide orientation meeting conducted by Terry Ring and Silver Creek Outfitters; and commented on the upcoming Lewis & Clark Bicentennial Celebration which will take place in the vicinity of Orofino, Idaho. As of June 20, the staff has issued 346 outfitter, 216 designated agent, and 1,029 guide licenses for the 1997-98 season. This compares to 343 outfitter, 228 designated agent, and 1,142 guides for the same period last year.

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The meeting recessed at 5:00 PM and reconvened at 8:05 AM, Tuesday, June 24, 1996, with all members present.

**Wood Palmer:** Mr. Palmer visited with the Board via a conference call to discuss his application for employment with Teton Valley Lodge and the fact that he was convicted for violating IDFG regulations in 1996. At the conclusion of this discussion and review, MSC (Haynes--Bernt) TO APPROVE THE ISSUANCE OF A ONE YEAR PROBATIONARY LICENSE FOR MR. PALMER. THE NORMAL TERMS OF PROBATION WILL APPLY, THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES AND NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1998.

**Bryant Dunn:** Mr. Dunn visited with the Board via a telephone conference call to discuss his guide license application for employment with Wood River Outfitters. The Board noted that Mr. Dunn was convicted for violating IDFG regulations in 1995 and did not acknowledge this fact on his application. Following a thorough discussion including a visit with the Fish & Game officer involved, MSC (Lyon--Haynes) TO ISSUE MR. DUNN'S GUIDE LICENSE UNRESTRICTED.

**Richard Cook, Cook's Idaho Outfitters, dba: Windriver Outfitters & Cook and Spickelmire (A Partnership), dba: Hells Canyon Fishing Charters:** Mr. Cook appeared before the Board in a combined show cause hearing to address charges filed against both Cook's Idaho Outfitters and the Cook & Spickelmire partnership. Mr. Cook was represented by his attorney, Mr. Jon Wyman. In both cases, Mr. Cook stipulated to the facts, acknowledging he pled guilty to three charges of violating U.S. Forest Service regulations and that he was convicted for violating Oregon outfitting statutes for allowing a guide to operate without a proper license. At the conclusion of this hearing, MSC (Hunsucker--Diana) THAT THE COOK'S IDAHO OUTFITTERS, DBA: WINDRIVER OUTFITTERS LICENSE BE PLACED ON PROBATION FOR FIVE (5) YEARS. THE NORMAL TERMS OF PROBATION APPLY, THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE ALLOWED TO HIS OUTFITTER LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON JUNE 25, 2002. and further, MSC (Haynes--Bernt) THAT THE COOK / SPICKELMIRE DBA: HELLS CANYON FISHING CHARTERS, OUTFITTER LICENSE BE PLACED ON PROBATION FOR FIVE (5) YEARS. THE NORMAL TERMS OF PROBATION APPLY, THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE ALLOWED TO THIS OUTFITTER LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON JUNE 25, 2002.

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The meeting recessed for lunch at 11:55 AM and reconvened at 1:20 PM with all members present.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Haynes--Hunsucker) to go into executive session at 2:25 PM to discuss matters in litigation. MSC (Hunsucker--Lyon) to come out of executive session at 2:30 PM with no decisions made.

**Mike Stockton, dba: B-Bar-C Outfitters:** Mr. Stockton requested a rehearing on the matter of the probationary status placed on his outfitter license following his conviction in April for violation of the provisions of the Idaho Outfitters and Guides Act. After hearing additional information from Mr. Stockton, MSC (Lyon--Hunsucker) TO DENY MR. STOCKTON'S REQUEST FOR RECONSIDERATION OF THE DISCIPLINE DIRECTED AT THE APRIL BOARD MEETING. BOARD CHAIRMAN LEO CRANE RECUSED HIMSELF FROM DISCUSSING AND VOTING ON THIS MATTER.

**Todd Lawrence:** The Board reviewed a guide license application submitted by Mr. Lawrence for employment with Mike Stockton, noting that Mr. Lawrence had been convicted for a violation of IDFG regulations in 1992. Following this review and discussion, MSC (Bernt--Hunsucker) THAT MR. LAWRENCE'S GUIDE LICENSE BE APPROVED PROBATIONARY FOR ONE YEAR, WITH THE NORMAL TERMS OF PROBATION, THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION WHICH WILL EXPIRE ON MARCH 31, 1998.

The meeting recessed at 5:20 PM and reconvened at 8:05 AM on Wednesday, June 25, 1997, with all members present.

**Mikeal Arrizubieta:** Mr. Arrizubieta visited with the Board via a telephone conference call to explain the circumstances regarding his conviction for violation of IDFG regulations earlier this year. At the conclusion of this interview and further discussion, MSC (Lyon--Haynes) THAT THE GUIDE LICENSE APPLICATION FOR MIKEAL ARRIZUBIETA BE DENIED.

**Eliana Dunlap:** Ms. Dunlap appeared before the Board to discuss her 1997-98 guide license application for employment with Gary Moser's Idaho Adventures in Salmon. She also explained the circumstances surrounding her recent conviction for drug possession and the current status of her probation. She was sentenced to a withheld judgment, has completed 100 hours of community service and satisfied all other requirements of her probation. Following this discussion and further review, MSC (Haynes--Bernt) TO APPROVE THE ISSUANCE OF A TWO YEAR PROBATIONARY GUIDE LICENSE FOR MS. DUNLAP. THE NORMAL TERMS OF PROBATION WILL APPLY,

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MEANING SHE MUST NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE CONSIDERED FOR HER LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1999. IN ADDITION, AS A TERM OF HER PROBATION, SHE IS FURTHER DIRECTED TO ARRANGE WITH THE LOCAL SCHOOL DISTRICT IN SALMON, IDAHO, TO MAKE A PRESENTATION TO THE STUDENTS AT THE SALMON JUNIOR AND SENIOR HIGH SCHOOLS REGARDING HER EXPERIENCES IN DEALING WITH THIS DRUG RELATED SITUATION.

**Michael Browning:** The Board reviewed Mr. Browning's 1997-98 guide license application, noting his apparent conviction for violation of IDFG regulations. Further research revealed the incident involved confusing information in the fishing regulations pertaining to barbless hook fishing on the South Fork of the Boise River. Following this review, MSC (Bernt--Lyon) THAT THE GUIDE LICENSE FOR MICHAEL BROWNING BE ISSUED UNRESTRICTED.

**Shad Bertsch:** Mr. Bertsch appeared before the Board to discuss his 1997-98 guide license application for employment with Exodus Corp. He failed to acknowledge on his application that he has a conviction for violating IDFG regulations in 1992. After explaining the circumstances regarding his violation and answering questions from the Board, MSC (Haynes--Hunsucker) THAT THE GUIDE LICENSE FOR SHAD BERTSCH BE APPROVED PROBATIONARY FOR TWO YEARS. THE NORMAL TERMS OF PROBATION WILL APPLY, THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE CONSIDERED FOR HIS LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1999.

**Financial Report:** The Board reviewed the May month-end financial condition report presented by the Director. At the conclusion of this review, MSC (Lyon--Bernt) THAT THE FINANCIAL REPORT BE ACCEPTED AS PRESENTED.

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

**Pat D. Kelley:** Mr. Kelley appeared before the Board to review his 1997-98 guide license application for employment with Beamer's Landing. During the course of the interview, Mr. Kelley acknowledged he had been convicted for violation of the Idaho Outfitters and Guides Act in 1985. Following a thorough discussion with Mr. Kelley regarding his application, and upon further review, MSC (Hunsucker--Haynes) THAT THE GUIDE LICENSE APPLICATION SUBMITTED BY MR. PAT D. KELLEY BE DENIED.

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**Darl Allred, Garden Valley Trailrides:** Mr. Allred appeared before the Board to talk about the outfitter license application he submitted earlier this year for the conduct of trailrides, photography trips, and incidental fishing activities in the Garden Valley area. The operating area requested is quite extensive and incorporates various land ownerships including National Forest, BLM, Idaho Department of Lands (IDL), Boise Cascade, and other corporate and private landowners. A complete analysis of this proposal has not been finalized yet, although a portion of the land that incorporates the Lightening Creek, Anderson Creek, and Big Pine Creek drainages has been approved for the activities requested. This approval creates an overlap for trailrides with Tom Carter, dba: Deadwood Outfitters. Mr. Allred registered a complaint with the Board that he feels it is unnecessary to delay approval of additional parts of his original request that involve the use of IDL and Boise Cascade property northwest of Garden Valley. He has obtained written permission from these land managers and requested these areas be added to his recreational outfitter license. After discussing the issue with Mr. Allred, the Board suggested that he consider modifying his original request so the proposal will only include these affected pieces of property. The Board then recommended that the modified application be approved, following completion of any additional analysis deemed necessary by the Board office.

**Darl Allred, Sawtooth Wilderness Outfitters:** The Director and Mr. Allred addressed the Board regarding confusion that has developed about a modified operating area boundary line for Sawtooth Wilderness Outfitters. In July, 1996, the Board approved an amendment request for Mr. Allred which modified a small portion of his operating area that is adjacent to licensed outfitter Tuck Russell. The request was submitted to add deer and elk hunting in an area of approximately 25 square miles incorporating the Tenmile Creek drainage. The adjustment eliminated a confusing line-of-sight boundary line for Sawtooth Wilderness Outfitters and would not create a conflict with Tuck Russell because Mr. Russell is only licensed for cougar and bear hunting in this area. Upon final approval by the Board in July, 1996, the operating area description for Sawtooth Wilderness Outfitters was changed and the amended license issued. Due to an oversight on the part of the Board, the new modified area description inadvertently included cougar and bear hunting, even though Mr. Allred had not requested these activities. This was strictly an administrative error. Mr. Allred acknowledged he was aware of the mistake but proceeded to acquire bear bait permits from the Lowman Ranger District and did hunt with clients in the area this past hunting season. The Board admonished Mr. Allred to cease all unauthorized activities in the new area immediately and instructed the Director to work with Mr. Allred and Mr. Russell to resolve any conflicts that may arise from these overlapped areas that they share.

**Outfitter Allocation Team Update:** The Director reported on the progress of the Outfitter Allocation Team meetings, and recent development of proposed rules by the IDFG for the allocation process. Board Attorney Steve Scanlin has been involved in reviewing the Department's rules and has discussed them with IDFG legal counsel Dallas Burkhalter. Allocation Team members Gary Power and Darl Allred joined the Board for

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this discussion. The next step in the process will include development of companion rules by the Licensing Board to address tag allocation steps and procedures to be followed by the Board. The Board instructed Mr. Scanlin and the Director to work on developing a set of draft rules in coordination with others on the Allocation Team and within the IDFG. The IDFG is planning to present their draft rules to the Fish & Game Commission at their next meeting in July.

The meeting recessed at 5:00 PM and reconvened at 8:20 AM, Thursday, June 26, 1997, with all members present.

**Gary Power:** IDFG Region 7 Supervisor Gary Power joined the Board meeting to observe the discussions.

**Brian Hopkins, Landowners Co-op Hunting Club:** Mr. Hopkins appeared before the Board to discuss his ideas for starting a private hunting club in Idaho. His business, The Landowners Cooperative Hunting Club, has already been organized in Lewiston, Idaho, and he is in the process of developing membership in the club. He has initiated an outfitter license application with the Licensing Board and had a variety of questions. The Board informed Mr. Hopkins that his operation, as described to them, does not fall under the purview of the Outfitters and Guides Act, and as such does not require a license to operate. The Director explained what constitutes outfitting and guiding and what the Co-op Hunting Club could and could not do with regard to their daily operation. Mr. Hopkins and the Director will continue to examine this issue to resolve any further questions.

**Ben Maki:** The Board reviewed a guide license amendment request from Mr. Maki to add an additional outfitter to his license. His first application in May was approved following routine review by the Board, with no discrepancies. When he submitted his amendment request he included a letter describing a conviction he received for violating hunting regulations in New York state. Mr. Maki explained that at first he didn't think the type and circumstance of the infraction would qualify as a violation, but after talking with other licensed guides, he decided he should make us aware of this previous incident. In reviewing his license application file, it was confirmed that Mr. Maki had prepared his letter of explanation regarding this matter and mailed it to Wapiti Meadow Ranch, but this information never get through to the Board office. Following this discussion, MSC (Hunsucker--Bernt) TO APPROVE THE ISSUANCE OF AN AMENDED LICENSE UNRESTRICTED. VICE-CHAIRMAN DIANA HAYNES RECUSED HERSELF FROM DISCUSSING OR VOTING ON THIS MATTER.

**Olin Gardner, Idaho Guide Service:** The Board reviewed a letter submitted by Mr. Gardner regarding his interest in reducing the number of authorized powerboat and floatboat outfitters on the Snake River in the Twin Falls area. After reviewing his letter, the Board instructed the Director to contact Mr. Gardner and others in the Twin Falls area to discuss his ideas and work toward a satisfactory resolution of his concerns.

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**Special Actions Review:** Following a review of the reports submitted regarding licensing decisions made by the Director since April on the following individuals or businesses: **Michael Thompson, Seven Devils Lodge, Cutler Umbach, Jim Thomas, Mike Scott, Don Mays, Poo Wright-Pulliam, Dwina Noesbar, Joe Roope,** and the **National Outdoor Leadership School, MSC (Haynes--Hunsucker)** TO APPROVE THE ISSUANCE OF THESE LICENSES.

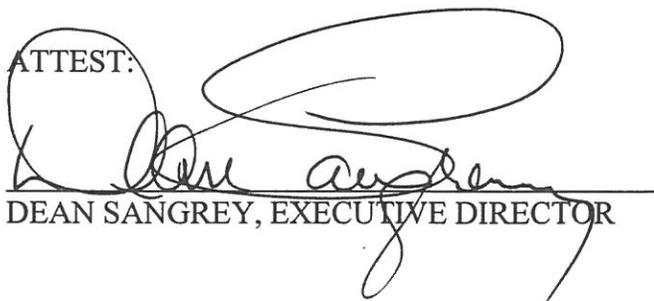
**Environmental Resource Center:** The Board reviewed a written request from the Environmental Resource Center in Ketchum, Idaho, for an exemption from licensing pursuant to Sec. 36-2103, Idaho Code. Following a review of this request and further discussion, MSC (Haynes--Lyon) TO APPROVE THE LICENSING EXEMPTION AS REQUESTED.

**Brundage Mountain Company:** The Board reviewed a request submitted by Brundage Mountain Company for them to be allowed to launch some of their floatboat trips, depending on water levels, from their private land along the southern shoreline of the Little Salmon River near Riggins, Idaho. They have discussed this proposal with the BLM in Cottonwood and received their approval. The tentative launch site is located approximately 1,500 to 2,000 feet upstream from the confluence with the Main Salmon River. As the Little Salmon River is not authorized for commercial floatboat activities, this type of activity in this area would require an exemption from the statute. Following this discussion, MSC (Hunsucker--Bernt) TO APPROVE THIS EXEMPTION REQUEST.

**Spencer Farrell:** The Board reviewed a guide license application submitted by Mr. Farrell for employment with George Duncan. Mr. Farrell acknowledged that he had been convicted for violating Oregon Fish & Game laws in 1995. Following a review of his file and application, MSC (Lyon--Hunsucker) THAT THE GUIDE LICENSE APPLICATION SUBMITTED BY SPENCER FARRELL BE DENIED.

There being no further business to come before the Board, the meeting adjourned at 2:30 PM.

  
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LEO CRANE, BOARD CHAIRMAN

ATTEST:  
  
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DEAN SANGREY, EXECUTIVE DIRECTOR