

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

APPROVED MINUTES

AUGUST 25 - 28, 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, August 25, 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 (Hunsucker--Haynes) TO GO INTO EXECUTIVE SESSION AT 8:31 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Haynes--Hunsucker) TO COME OUT OF EXECUTIVE SESSION AT 8:54 AM WITH NO DECISIONS MADE.

Michael Browning: The Board reviewed information provided by the Executive Director and Education/Law Enforcement Supervisor regarding an accident that occurred on August 16 involving a trailride conducted by Epley's, Inc. At the conclusion of this discussion, MSC (Hunsucker--Haynes) THAT THE GUIDE LICENSE ISSUED TO MICHAEL BROWNING BE SUSPENDED IMMEDIATELY.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon--Bernt) TO GO INTO EXECUTIVE SESSION AT 9:04 AM TO DISCUSS PERSONNEL MATTERS. MSC (Lyon--Hunsucker) TO COME OUT OF EXECUTIVE SESSION AT 9:07 AM WITH NO DECISIONS MADE.

July Financial Report: The Director presented the year-end financial report for FY1997 and the monthly financial status report for July, 1997. Following these discussions, MSC (Haynes--Hunsucker) TO ACCEPT THE FINANCIAL REPORTS AS PRESENTED.

STAFF REPORTS: Dean Sangrey, Executive Director: Licensing - The Director presented a report on the current status of Board licensing activities. As of August 15 the office has issued 376 outfitter, 238 designated agent, and 1,606 guide licenses. **Staffing -** He also reported on the status of interviews and evaluations of potential secretarial appointees. He hopes to get someone hired and starting work by September 15. **Budget -** Director Sangrey presented an overview of the proposed FY1999 Licensing Board

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budget. The overall proposal for the new fiscal year amounts to \$390,400. This figure is comprised of \$213,700 for personnel costs, \$165,300 for operating expenses, and \$11,400 for capital outlay expenditures. Following this presentation, the Board took the information under advisement and will continue with further deliberations on the budget during the work session later in the week.

Steve Scanlin, Board Counsel: Board Counsel presented his report on the following topics: **Richard Cook** - Mr. Scanlin provided an update on the status of Mr. Cook's outfitter license and the proposed sales of business currently being negotiated by Mr. Cook and his attorney. **Tag allocation** - The Board also received a report on continuing discussions and rule development relative to the outfitter tag allocation process. A draft Licensing Board policy is being prepared that will provide guidance for the implementation of allocation procedures when and if action is taken by the IDFG to initiate an allocation process. **Administrative Rules** - Mr. Scanlin updated the Board on the filing of the Board's rules amendment package with the Administrative Rules Office. The proposed amendments are now available for public comment and will be presented to the Board for final adoption at their next meeting in December.

Bill Vetesy, Education/Law Enforcement Supervisor: Mr. Vetesy presented his report to the Board that included: **Billboards** - an update on the schedule for statewide billboard advertising this coming fall and winter; **Agency Briefings** - he reported he has continued to have training sessions with IDFG and U.S. Forest Service field personnel and the Board's staff has recently completed two education and enforcement trips on the Middle Fork of the Salmon and the Main Salmon. During the course of the trips our staff also completed a number of inspections of outfitter operations and equipment.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon--Hunsucker) TO GO INTO EXECUTIVE SESSION AT 10:55 AM TO DISCUSS LITIGATION MATTERS. MSC (Haynes--Bernt) TO COME OUT OF EXECUTIVE SESSION AT 11:12 AM WITH NO DECISIONS MADE.

Rick G. Fugate: The Board met with Mr. Fugate to review his 1997-98 guide license application for employment with Tim Craig, and noted his conviction in 1994 for violating IDFG regulations. Following this review and discussion, MSC (Bernt--Hunsucker) THAT MR. FUGATE BE APPROVED FOR A PROBATIONARY GUIDE LICENSE. THE TERMS OF PROBATION ARE THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE CONSIDERED ON HIS LICENSE DURING THE TERM OF PROBATION WHICH WILL EXPIRE ON MARCH 31, 1998.

The meeting recessed for lunch at 11:50 AM and reconvened at 1:30 PM, with all members present.

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Scott Jones: Mr. Jones appeared before the Board to discuss his 1997-98 guide license application for employment with Horse Creek Outfitters. He was convicted in 1993 for violating IDFG regulations by hunting during a closed season. Following this review and discussion, MSC (Bernt--Haynes) THAT MR. JONES BE APPROVED FOR A PROBATIONARY LICENSE. THE TERMS OF PROBATION ARE THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE ALLOWED TO THE LICENSE DURING THE TERM OF PROBATION WHICH WILL EXPIRE ON MARCH 31, 1998.

Harry Knox: Mr. Knox met with the Board to discuss his 1997-98 guide license application for possible employment with Stan Potts. At the conclusion of this discussion, MSC (Bernt--Hunsucker)(Crane-aye, Bernt-aye, Hunsucker-aye, Haynes-nay, Lyon-nay) TO APPROVE A PROBATIONARY GUIDE LICENSE FOR MR. KNOX. THE TERMS OF PROBATION ARE 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.

June Board Minutes: Following a review and discussion of several items in the June Board minutes, MSC (Lyon--Hunsucker) TO APPROVE THE MINUTES OF THE JUNE MEETING AS PRESENTED.

The meeting recessed at 4:40 PM and reconvened at 8:09 AM, Tuesday, August 26, 1997, with all members present.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon--Haynes) TO GO INTO EXECUTIVE SESSION AT 8:10 AM TO DISCUSS LITIGATION MATTERS. MSC (Lyon--Hunsucker) TO COME OUT OF EXECUTIVE SESSION AT 8:35 AM WITH NO DECISIONS MADE.

Frank Nesmith, IDFG: Mr. Nesmith met with the Board to discuss several routine issues relating to Board and IDFG law enforcement issues. He commented that Mr. Vetesy has been conducting a number of training sessions with different groups of their conservation officers around Idaho and the presentations are being well received. He encouraged the Board to continue those efforts as they are very helpful and effective.

Pat D. Kelley: Upon his request, Mr. Kelley was noticed to appear for a denial hearing at this appointed time. His attorney contacted the Board by telephone on August 22 and advised they could not appear at the scheduled time because of a scheduling conflict for him. Written notification of this request for continuance was not received prior to the hearing, as requested.

Juniper Mountain Outfitters, Inc., Paul Meholchick, Designated Agent: Mr. Paul Meholchick and his father, Stan Meholchick, appeared before the Board in a show cause

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hearing regarding allegations of operating outside of their assigned area. Juniper Mountain Outfitters (JMO) was represented by their attorney, Mr. Dave Hammerquist. The hearing was called as a result of a complaint received from a private sportsman and concerns from private landowners in Owyhee County that JMO did not have permission to conduct his hunting activities on their property. At the conclusion of testimony and a thorough examination of the evidence, MSC (Hunsucker--Haynes) THAT THE CHARGES FILED AGAINST JUNIPER MOUNTAIN OUTFITTERS, INC., BE, AND THE SAME ARE HEREBY, DISMISSED, BECAUSE OF INSUFFICIENT EVIDENCE OF A LACK OF PERMISSION FROM THE LANDOWNERS.

The meeting recessed for lunch at 12:05 PM and reconvened at 1:20 PM with all members present.

John Trone, Denial Hearing: Mr. Trone appeared before the Board in a denial hearing regarding his 1997-98 guide license application. He has applied to renew his guide license for employment with Mackay Bar Corporation and acknowledged that he received a withheld judgment regarding an incident that occurred in November, 1996. At the conclusion of his testimony and discussions with the Board, MSC (Lyon--Bernt) THAT MR. TRONE BE APPROVED FOR A PROBATIONARY GUIDE LICENSE . THE TERMS OF PROBATION ARE THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE CONSIDERED FOR HIS GUIDE LICENSE DURING THE TERM OF PROBATION, WHICH WILL RUN CONCURRENTLY WITH HIS PROBATION FROM THE DISTRICT COURT UNTIL THAT MATTER IS SATISFACTORILY RESOLVED.

Spencer Farrell, Denial Hearing: Mr. Farrell appeared before the Board in a denial hearing regarding his application for a 1997-98 guide license. He has applied to renew his guide license for employment with George Duncan and acknowledged that he was convicted in 1996 for violating Oregon Fish & Wildlife regulations. At the conclusion of testimony, MSC (Haynes--Bernt) TO APPROVE THE 1997-98 GUIDE LICENSE FOR MR. FARRELL, BUT WITH PROBATIONARY RESTRICTIONS. TERMS OF THE PROBATION ARE 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 5:10 PM and reconvened at 8:10 AM, Wednesday, August 27, 1997, with all members present.

Jaason Pruett: The Board conducted a conference call discussion with Mr. Pruett regarding his 1997-98 guide license application for employment with The Lodge At Palisades Creek and Drifters, Inc., noting his 1997 conviction for violating IDFG regulations. At the conclusion of this discussion with Mr. Pruett, MSC (Hunsucker--

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Lyon) THAT THE GUIDE LICENSE APPLICATION FOR MR. PRUETT BE DENIED.

Jerry Elrod, dba: J. ECO Enterprises, Inc.: Mr. Elrod appeared before the Board to explain his proposal for starting a new powerboat fishing outfitter business in Hells Canyon. He plans to provide fishing excursions on Brownlee, Oxbow, and Hells Canyon Reservoirs. All of the required paperwork has been completed, including his operating plan, financial information, and appropriate insurance certificates. At the conclusion of this review, MSC (Lyon--Hunsucker) THAT THE OUTFITTER LICENSE APPLICATION FOR J. ECO ENTERPRISES, INC., BE APPROVED, UPON COMPLETION OF ALL REQUIRED PAPERWORK AND SUBMISSION OF FEES.

Richard Coe: Mr. Coe appeared before the Board to discuss his 1997-98 guide license application for employment with the Flying B Ranch. Consideration of his application had been suspended when he failed to acknowledge his 1992 conviction for violating IDFG regulations. Mr. Coe and his father presented information regarding the violation incident and submitted several letters of recommendation prepared on Richard's behalf. At the conclusion of this review and discussion, MSC (Haynes--Bernt) TO APPROVE THE GUIDE LICENSE APPLICATION FOR RICHARD COE, BUT WITH PROBATIONARY RESTRICTIONS. THE TERMS OF PROBATION ARE 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.

Charles Hall: The Board conducted a conference call with Mr. Hall to discuss his application for renewal of his guide license for employment with Zeke West. Mr. Hall was cited and convicted in 1996 for violating IDFG regulations by not properly validating an elk tag. He explained the circumstances to the Board and following this discussion and review, MSC (Bernt--Lyon)(Crane-aye, Hunsucker-aye, Bernt-aye, Haynes-nay, Lyon-nay) TO APPROVE A GUIDE LICENSE FOR MR. HALL BUT WITH PROBATIONARY RESTRICTIONS. TERMS OF PROBATION ARE 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.

H&L Outfitters, Rick Lane, Designated Agent: Rick Lane and Steve Hanowell, representing H&L Outfitters, appeared before the Board in a show cause hearing to answer charges of unethical/unprofessional conduct and operating outside of their assigned area. The Board was represented by Prosecutor Steve Tobiason. Mr. Lane and Mr. Hanowell were not represented by counsel. Mr. Daniel D. Simon III, a hunter and witness, and Steve Didier, a law enforcement agent for the U.S. Forest Service, appeared as witnesses on behalf of the Board. At the conclusion of testimony and following thorough deliberations, MSC (Hunsucker--Lyon) THAT H&L OUTFITTERS BE FINED \$250.00 FOR UNETHICAL/ UNPROFESSIONAL CONDUCT PURSUANT TO

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VIOLATION OF SEC. 36-2113(a)(5), IDAHO CODE, AND IDAPA 25.01.01.002.45, AND THE OUTFITTER LICENSE FOR H&L OUTFITTERS BE PLACED ON PROBATION FOR TWO (2) YEARS FOR OPERATING OUTSIDE THEIR ASSIGNED AREA, PURSUANT TO VIOLATION OF SEC. 36-2113(a)(8), AND IDAPA 25.01.01.002.45 and 007.01. THE TERMS OF PROBATION ARE THAT NEITHER RICK LANE NOR STEVE HANOWELL VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE CONSIDERED FOR THE H&L OUTFITTER LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1999. FURTHER, H&L OUTFITTERS IS DIRECTED TO WRITE A LETTER OF APOLOGY TO WALLY YORK & SON, INC., FOR VIOLATING THE BOUNDARY OF YORK'S ASSIGNED OPERATING AREA. **Administrative Note:** H&L OUTFITTERS IS FURTHER DIRECTED TO WORK WITH THE BOARD'S EXECUTIVE DIRECTOR AND REPRESENTATIVES FROM THE ELK CITY RANGER DISTRICT TO ESTABLISH APPROVAL FOR TEMPORARY USE OF THE TRAIL THAT WAS INSTRUMENTAL IN THIS REFERENCED VIOLATION.

Meeting recessed for lunch at 11:40 AM and reconvened at 1:15 PM with all members present.

John Drake, Region 1, USFS: Mr. Drake, Director of Recreation, Minerals, Lands Heritage and Wilderness for Region 1 in Missoula, Montana, wrote to the Licensing Board regarding the issue of Idaho and Montana outfitters utilizing the Continental Divide Trail which straddles the common stateline. Mr. Drake's office has suggested that this joint use of the trail might best be facilitated if Idaho and Montana's Licensing Board's developed a reciprocal agreement allowing the use without the necessity of requiring the outfitter to obtain a license from the other state. The Licensing Board concurred with this basic concept, but instructed the Director to try to ascertain the extent of intrusion into each state by operating outfitters.

Snake River Management Plan, HCNRA: The Board reviewed a letter submitted by Mike Cole, River Manager for the Hells Canyon National Recreation Area (HCNRA), concerning the guidelines in the new River Plan relating to managing the number of commercial outfitters on the river when a sale and transfer of an outfitter business occurs between two licensed operators. After reviewing the information provided by Mr. Cole, the Board instructed the Director to communicate with him and assist with coordination regarding a recent sale between Norm Riddle and Mike Luther to ensure the required guidelines are followed appropriately and the affected outfitters are fully informed.

The meeting recessed at 5:05 PM and reconvened at 8:15 AM, Thursday, August 28, 1997, with all members except Bill Bernt present.

Tom Nick: The Board reviewed the current guide license issued to Mr. Nick on May 14, 1997. The Licensing Board office subsequently learned that Mr. Nick was convicted for

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a violation of IDFG regulations in May for unlawfully killing waterfowl. Based on this information, MSC (Lyon--Haynes) THAT MR. NICK'S GUIDE LICENSE BE PLACED ON IMMEDIATE PROBATION FOR THE REMAINDER OF THE 1997-98 LICENSE YEAR. TERMS OF PROBATION ARE THAT THERE BE NO VIOLATION OF LOCAL, STATE OR FEDERAL LAWS OR ORDINANCES, AND THAT NO AMENDMENTS TO THE LICENSE WILL BE PERMITTED DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 1998. FURTHER, IN THE EVENT MR. NICK APPLIES FOR A GUIDE LICENSE IN THE FUTURE, HE WILL BE REQUIRED TO APPEAR BEFORE THE LICENSING BOARD FOR A FORMAL INTERVIEW.

Salmon River Challenge: The Board reviewed a request submitted by Sherry Marek for an exemption to the limitation on numbers of boats allowed on the Spring Bar to Hammer Creek (SA7C) section of the Salmon River. Salmon River Challenge has a large group booked for a three day steelhead fishing trip in late October and will need to utilize a combination of eight rafts or dories to spread the use along the entire stretch of the river. Following a review of this request, the Director was instructed to discuss the matter with Board member Bill Bernt and proceed with appropriate action. (**Note:** Following a discussion with Mr. Bernt, the request was approved and Salmon River Challenge was advised of the decision).

Grant Simonds, IOGA Executive Director: Mr. Simonds met with the Board to participate in discussions dealing with the proposed FY1999 Licensing Board budget, outfitter tag allocation procedures, the Board's rules amendment package, outstanding resource water (ORW) issues, and the proposed license fee increase. **Rules:** The Board reviewed a letter submitted by Mr. Simonds on behalf of the IOGA membership dealing with the rules package and allocation policy development. The IOGA position on the rules proposals was generally in favor of the Board's direction with these changes, supporting the concepts of temporary employment of guides, various changes in definitions, and the proposed addition of the lower reaches of the Payette and Boise River systems for commercial floatboating activities. The amended rules have been developed as both temporary and permanent rules and were effective as of August 15, 1997. They are scheduled for final adoption and legislative review during the coming session and are open for public comment now. **Tag Allocation:** The Board also reviewed the IOGA analysis of the IOGLB policy being developed for allocation of deer and elk tags. The Board is considering initially implementing a Board policy to govern the distribution of allocated tags rather than adopting a formal rule that would be more structured and difficult to amend or change. The intent would be to modify the policy as implementation the allocation process is started, making changes as necessary, and formally adopting an appropriate set of rules at a later time. The recommendations for adjusting the allocation policy submitted by IOGA were discussed and taken under advisement. Adoption of a formal policy for allocation is expected to occur during the February, 1998, Board meeting. **ORW:** Establishment of the Outfitters and Guides Licensing Board as the "Designated Agency" to assist with monitoring commercial

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outfitter performance on outstanding resource waters in the state was discussed. The Idaho Department of Environmental Quality (DEQ) has responsibility under state law to monitor these conditions and they have approached the Board to consider assisting with these procedures as they relate to outfitted activities on designated rivers in the state. Board members expressed concerns about too much additional responsibility and workload when staffing and budgets are continually being cut back and further restricted. A meeting has been scheduled for representatives of the Licensing Board to meet with personnel from DEQ, the U.S. Forest Service, IOGA, and others, to discuss these issue further. A report will be prepared for further Board consideration. **License Fee**

Increase: The Board shared a modified license fee structure proposal with Mr. Simonds. This proposal for outfitter license fees at \$320.00, designated agent at \$125.00, and guide at \$105.00, is considered by the Board to be the most reasonable approach to fairly spread the costs over the entire licensing structure. License fees in this range, coupled with a modest non-refundable first time application fee, are expected to generate sufficient revenues to allow the Board to maintain its licensing and education/law enforcement activities at or near current levels.

License Fee Increase and FY1999 Budget: At the conclusion of thorough deliberations and discussion, MSC (Hunsucker--Lyon) THAT THE BOARD ADOPT THE DIRECTOR'S RECOMMENDATION FOR A LICENSE FEE INCREASE OF \$70.00 (\$320.00) FOR OUTFITTERS, \$25.00 (\$125.00) FOR DESIGNATED AGENTS, AND \$20.00 (\$105.00) FOR GUIDES, AS WELL AS A NON-REFUNDABLE FIRST-TIME APPLICATION FEE OF \$400.00 FOR OUTFITTERS, \$50 FOR DESIGNATED AGENTS, AND \$10.00 FOR GUIDES. FURTHER, THAT THE BOARD APPROVE THE PROPOSED FY1999 LICENSING BOARD BUDGET OF \$390,400.00.

December Board Meeting Dates: MSC (Hunsucker--Haynes) THAT THE NEXT MEETING FOR THE BOARD BE SCHEDULED FOR DECEMBER 1-3, 1997, IN BOISE.

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

Special Teleconference Meeting: A special meeting by teleconference was called to order to formally review amendments to the Board's temporary rules package at 10:00 AM on Wednesday, November 12, 1997. Chairman Leo Crane participated by telephone from his residence in Orofino and Vice-Chairman Diana Haynes by telephone from Emmett, Idaho. Board member Wayne Hunsucker participated from the Board conference room along with Executive Director Dean Sangrey and Board Attorney Steve Scanlin. Mr. Scanlin reviewed the primary elements of the changes that have been incorporated into the revised rules package, which included clarification relative to the term "inactivity", revision of the description of what constitutes receipt of an outfitter renewal application at the Board office, modification of the application deadline for timely renewal of outfitter licenses, and a clarification in the new proposed rule dealing

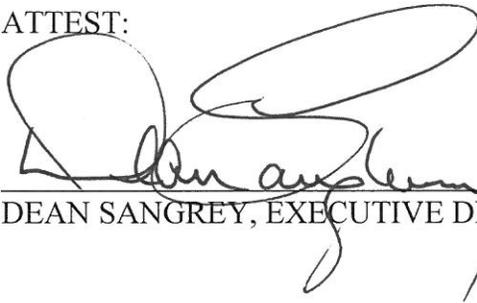
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with allocation of deer and elk tags. Following discussion of these various issues, MSC (Hunsucker--Haynes) THAT THE PROPOSED CHANGES TO THE LICENSING BOARD'S RULE PACKAGE BE ADOPTED AS PRESENTED AND THE AMENDED PACKAGE BE FORWARDED TO THE ADMINISTRATIVE RULES OFFICE AS SOON AS POSSIBLE.



LEO CRANE, CHAIRMAN OF THE BOARD

ATTEST:



DEAN SANGREY, EXECUTIVE DIRECTOR