

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

APPROVED MINUTES

DECEMBER 1 - 3, 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 8:12 AM, Monday, December 1, 1997, at the boardroom located at 1365 North Orchard, Room 172, Boise, Idaho. Board Chairman Leo Crane and members Bill Bernt and Ray Lyon were in attendance. Vice chairman Diana Haynes will miss the entire meeting because of a family emergency and member Wayne Hunsucker had a business commitment and will miss the first day of the meeting. Also present were Executive Director Dean Sangrey, Education/Law Enforcement Supervisor Bill Vetesy, and Board Counsel Steve Scanlin.

STAFF REPORTS: Dean Sangrey, Executive Director: Licensing - The Director presented a report on the current status of Board licensing activities. As of November 28 the office has issued 400 outfitter, 246 designated agent, and 1,985 guide licenses. This compares to 382, 262 and 1,936, respectively, for the same period in 1996. **Staffing** - Rosalie Seigel has been hired as the permanent office secretary replacement for Donna Talbot. **Budget** - Director Sangrey presented an updated version of the proposed FY1999 budget for the Board, noting modifications that had been included following analysis by the Division of Financial Management. The adjusted total budget for FY1999 comes to \$387,900. **Licensing Review Committee** - A group of industry representatives has been organized to work with Board members and staff on a comprehensive review of the licensing process. This work will focus on possible changes to the licensing procedures, including multi-year licensing, credit card payment capability, photo-ID licenses, and other enhancements. **MOU Task Force** - The MOU review committee meetings have been renewed, with one held in Grangeville during November. Significant progress is expected with possible completion sometime in the spring. **Outstanding Resource Waters (ORW)** - The Director reviewed the formal action taken by the board in September involving establishment of the IOGLB as the "designated agency" to assist with monitoring outfitter operations and performance on waterways that may be designated as ORW 's by the State of Idaho.

Steve Scanlin, Board Counsel: Legislation and rules - Mr. Scanlin provided an update on the status of the Board's proposed legislation and amended rules package. Adoption of the amended temporary rules proposal was accomplished on November 19 and the rules and new legislation are now prepared for introduction to the legislative session in January. **Deer and Elk Allocation** - An updated status report was also presented on the program

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
APPROVED MINUTES - DECEMBER 1 - 3, 1997**

being developed for allocation of deer and elk tags in cooperation with the Department of Fish & Game. **Miscellaneous issues** - Mr. Scanlin also reported on various routine topics and issues he had worked on and assisted the staff with over the last three months.

Bill Vetesy, Education/Law Enforcement Supervisor: Mr. Vetesy presented his first quarter report to the Board covering the period July 1 thru September 30, 1997, which included: **Investigation status** - 47 new cases opened, 30 involving alleged unlicensed outfitting; no citations issued during the period; 180 inspections completed. **Agency Briefings** - Regional IDFG offices, Heartland Law Enforcement Association, Natural Resource Task Force Committee. Work continues on development of an IOGLB segment on Outdoor Idaho. Lecture presented to class at Northwest Nazarene College. **Staffing** - A new enforcement agent, who resides in Worley, has been hired to work with the bureau. **Accidental death investigations** - Two investigations regarding accidental deaths have been completed which involved licensed outfitters. **Administrative case log** was reviewed with the Board as well as a draft of a new citizen's complaint form.

Darl Allred, Sawtooth Wilderness Outfitters, and Tuck Russell: The Director reported on successful negotiations completed with Mr. Allred and Mr. Russell regarding a disputed operating area boundary. The parties agreed with the establishment of an acceptable boundary in the vicinity of Tenmile Creek above Lowman on the Boise National Forest. This proposal will be coordinated with the Lowman Ranger District and incorporated into both of their operating area descriptions to eliminate future disagreements relating to hunting activities.

Meeting recessed for lunch at 11:50 AM and reconvened at 1:20 PM with all members present.

Chuck Boyd, Salmon River Experience: Mr. Boyd appeared to file a formal petition with the Board. In his proposal, he suggested modifications to the current designations on the Vinegar Creek to Hammer Creek (SA7A) and Vinegar Creek to Spring Bar (SA7B) sections of the Salmon River. The current period of use on SA7A is from April 1 to September 30. Mr. Boyd feels those dates are too restrictive, with significant opportunity for spring and fall float trips starting before April 1 and generally extending well into October. His suggestion would modify the operating dates from March 10 to October 20, thereby providing additional chances to take advantage of suitable weather and water conditions to furnish needed services to the public. The recommendation he has developed for SA7B is to extend the lower reach from Spring Bar to Island Bar. His rationale is based on an under utilization of much of this stretch of the river both for recreational boating and steelhead fishing. Initially, he has received favorable support from IDFG representatives and from the Bureau of Land Management as well. Following this presentation, the Board unanimously accepted the petition and instructed to the Director to begin the initial phases of review and analysis.

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
APPROVED MINUTES - DECEMBER 1 - 3, 1997**

Laura Bagley, Show Cause Hearing: Ms. Bagley appeared before the Board in a hearing regarding the denial of her outfitter license application. She was represented by her attorney, Mr. Philip Gordon. Ms. Bagley submitted a proposal for licensing involving the purchase of the floatboating business on the SA7A, SA7B and SA8 sections of the Salmon River currently operated by Rich Cook. Her application was originally denied based on a felony conviction which occurred in 1992. At the conclusion of testimony and a thorough review of her records and application, MSC (Bernt--Lyon) TO APPROVE THE APPLICATION OF LAURA BAGLEY FOR A FLOATBOATING, FISHING AND CHUKAR HUNTING OUTFITTER LICENSE ON THE LOWER SALMON RIVER. THE LICENSE WILL BE ISSUED FOLLOWING SATISFACTORY COMPLETION OF REMAINING ADMINISTRATIVE ISSUES WITH THE BOARD.

Eric Battey, Sedgwick James Insurance Company: Mr. Battey appeared to discuss various insurance issues with the Board relating to liability coverages and performance bonding requirements. It was an informative session covering topics such as liability responsibilities of the outfitter and the insurer, variations in premiums, coverage provided, and increases proposed in the performance bond for outfitters. Following this discussion, Mr. Battey provided the Board with figures relating to increased limits for performance bonds.

Bill Davis, Probationary Guide License: Mr. Davis appeared before the Board to review the status of his guide license and discuss his past history of fish & game violations. Following consultation with the Board during October, the Director issued a probationary guide license to Mr. Davis with the understanding that he would appear to discuss the matter with the full Board at a later time. He was accompanied at this meeting by Ms. Jinny Hopfenbeck, Designated Agent for Shepp Ranch, the employing outfitter. Mr. Davis explained the circumstances regarding his recent violations while salmon fishing and fly fishing on the South Fork of the Boise River. Chairman Crane and Board member Bernt concurred with the probationary licensing decision reached in October. Board member Lyon did not. Mr. Davis was encouraged to conduct himself professionally and within the law at all times in the future. His probationary license will expire March 31, 2000.

Executive Session: In accordance with the provisions of §67-2345, Idaho Code, MSC (Lyon--Bernt) TO GO INTO EXECUTIVE SESSION AT 5:03 PM TO DISCUSS PERSONNEL MATTERS. MSC (Bernt--Lyon) TO COME OUT OF EXECUTIVE SESSION AT 5:08 PM WITH NO DECISIONS MADE.

Board Employee Bonuses: Following an explanation and discussion by the Director, MSC (Lyon--Bernt) TO APPROVE ONE TIME BONUSES FOR THE OFFICE STAFF AS RECOMMENDED BY THE GOVERNOR'S OFFICE AND PROPOSED BY THE DIRECTOR.

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
APPROVED MINUTES - DECEMBER 1 - 3, 1997**

Meeting recessed at 5:15 PM and reconvened at 8:05 AM, Tuesday, December 2, 1997, with Board members Crane, Bernt, Hunsucker, and Lyon present.

Steve Huffaker, Wildlife Bureau Chief, IDFG: Mr. Huffaker appeared before the Board to talk about several issues common to both agencies. He discussed concerns relating to incidental activities such as chukar hunting and high mountain lake fishing, turkey hunting, private land outfitted operations, and unlicensed outfitting and enforcement matters. The Board is scheduled to have a dinner meeting with the Fish & Game Commissioners on Wednesday when these issues will be proposed for discussion.

Michael Browning, License Suspension Hearing: Mr. Browning appeared before the Board in a hearing to review the Board's decision to suspend his guide license during the August Board Meeting. The decision to suspend his license was precipitated by an accident that occurred during a trailride conducted by Epley's Inc. Based on the ongoing status of the formal investigation into this incident, it is the Board's recommendation that the license suspension remain in effect until such time as this report is completed and made available for their review. It is hoped that will occur sometime before the next regularly scheduled meeting of the Board in February, 1998. The Director was instructed to contact the Valley County Sheriff's Office regarding the status of this report.

Jason Pruett, Show Cause Hearing: Mr. Pruett was scheduled to appear in a show cause hearing at this time, but contacted the Board office by telephone and reported he had experienced car trouble traveling from his home in Palisades, Idaho, and would not be able to appear. The Board took the matter under advisement and the Director was instructed to vacate and reschedule a new appearance date and time with Mr. Pruett for the next Board meeting.

Financial Report: Following review and discussion of the October financial condition report, MSC (Bernt--Hunsucker) **TO APPROVE THE FINANCIAL REPORT AS PRESENTED.**

Meeting recessed for lunch at 11:45 AM and reconvened at 1:10 PM, with all members present.

H&L Outfitters, Inc., Rick Lane, Designated Agent, Show Cause Hearing: A hearing was conducted at the August meeting of the Licensing Board to address allegations of unprofessional conduct and operating outside of their assigned area by H&L Outfitters. At the conclusion of that hearing, the Board determined H&L Outfitters was guilty of these violations and they were fined \$250, placed on probation for two years, and ordered to write a letter of apology. Following this Board action, H&L Outfitters, through their attorney Mr. Philip Gordon, filed a motion to stay the issuance of the Board's decision and reopen the hearing. Based on this request, the Board scheduled a hearing to hear their motion at this time. Mr. Rick Lane and Mr. Steve Hanowell appeared on behalf of H&L Outfitters, along with Steve Hanowell's father Ed Hanowell,

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
APPROVED MINUTES - DECEMBER 1 - 3, 1997**

and their attorney Mr. Gordon. At this time Mr. Gordon also filed a motion to dismiss the charges filed by the Board in August, 1997. At the conclusion of testimony in these matters, MSC (Bernt--Lyon) **TO DENY THE MOTION TO DISMISS AND DENY THE MOTION TO STAY ISSUANCE OF DECISION AND TO REOPEN HEARING.**

Mike Lawson, Henrys Fork Anglers: Mr. Lawson appeared before the Board to discuss his outfitter license amendment request to add walk and wade fishing along the Teton River to his license. He proposes to conduct fishing excursions on a limited basis along various stretches of the Teton River as a means of providing additional opportunities for his clients. Six outfitters are currently authorized to provide float and power boat fishing trips along the river, but Mr. Lawson's interest would incorporate only walk and wade activities. Following their discussion with Mr. Lawson, the Board instructed the Director to prepare a public scoping notice to solicit comments from concerned citizens in the Teton River area.

Meeting recessed at 5:00 PM and reconvened at 8:10 AM, Wednesday, December 3, 1997, with all members present.

George Bogdan: Mr. Bogdan presented a program of information to the Board regarding his extensive involvement and interest in pack goats. He explained that he owns several goats and regularly uses them both for recreational excursions and working trips where he has assisted state and federal agencies with various work projects around the state. He shared several pictures of his goats in use and stated he has run into some difficulties regarding acceptance and approval from the US Forest Service to use them on the Sawtooth NRA. At the conclusion of his presentation he requested a packet of application information and material from the Board and indicated he may consider applying for a recreational license and permit of some commercial activities.

Pat D. Kelley, Show Cause Hearing: Mr. Kelley appeared before the Board in a show cause hearing regarding the denial of his guide license application at the June meeting. Mr. Kelley was represented by his attorney, Mr. Doug Mushlitz. At the conclusion of the original hearing, the Board denied Mr. Kelley's guide application based on his prior conviction for violating the Outfitters and Guides Act. Following the presentation of additional testimony at this hearing, MSC (Lyon--Hunsucker) **TO RESCIND THE ORIGINAL DENIAL OF THE GUIDE LICENSE APPLICATION FOR MR. KELLEY BASED ON NEW EVIDENCE PRESENTED AND APPROVE THE ISSUANCE OF A PROBATIONARY GUIDE LICENSE EFFECTIVE IMMEDIATELY. THE NORMAL TERMS OF PROBATION APPLY, MEANING HE MUST NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES AND NO AMENDMENTS WILL BE CONSIDERED FOR THE LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 2000.**

Olin Gardner, Idaho Guide Service, Inc.: Mr. Gardner appeared before the Board to discuss his interest and concerns about current outfitted activities authorized on the Twin

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
APPROVED MINUTES - DECEMBER 1 - 3, 1997**

Falls to Lower Salmon Falls Dam (SN7) section of the Snake River. He explained that two concessionaire permits are presently authorized at the Centennial Park launch site in the canyon below Twin Falls. He holds one of those permits as does licensed outfitter Don Mays. Earlier in the year Mr. Gardner submitted a petition to the Board requesting that they consider formally reducing the number of licensees on that stretch of the river from three to one. He based his request on the opinion there would be too much competition for business with the limited access and his competitors may not be properly qualified and trained. He subsequently rescinded his request for consideration of his proposal and now just wants to make the Board and others aware of these issues and concerns he has for commercial recreational use in the area.

SA3 and SA4 Vacancies: The Director reviewed a letter with the Board received from the BLM office in Salmon. The letter addressed possible consideration for relicensing and permitting of one vacant boating opportunity on the Challis to Iron Creek (SA3) and two vacant boating opportunities on the Iron Creek to North Fork (SA4) sections of the Salmon River. Board member Bill Bernt will work with Director Sangrey to solicit additional input from the BLM office and the Lemhi County Commissioners regarding this issue. A report will be prepared for review at the February Board meeting.

Deer and Elk Tag Allocation Process: The Board reviewed a synopsis of the proposal for tag allocation procedures that had been prepared by the IOGA. They reviewed each area of concern with the proposed policies and rules and clarified questions for Chairman Crane and Board member Bernt in preparation for their attendance at the special meetings scheduled in Orofino and Salmon.

August and November Minutes: A review of the August Board meeting minutes was conducted by the Director. He identified a typographical error in a date on page 4 and an error in the outfitter license fee from \$315 to \$320 as approved by the Board at that meeting. Further, the Board reviewed an additional entry in the minutes describing the special meeting to review the amended rules package that was conducted by telephone on Wednesday, November 19, 1997. Following this discussion, MSC (Hunsucker--Lyon) TO APPROVE THE AUGUST AND NOVEMBER BOARD MEETING MINUTES AS CORRECTED AND ADJUSTED.

Director's Special Actions: The Board reviewed the special actions taken by the Director to approve outfitter, guide and amendment applications since the August meeting. Following this review, MSC (Lyon--Hunsucker) TO APPROVE THE DIRECTORS ACTIONS IN APPROVING AND ISSUING THE REFERENCED LICENSES.

The National Outdoor Leadership School (NOLS), Ben Hammond, Designated Agent: The Board reviewed a letter submitted by Mr. Hammond regarding a request for license exemption under § 36-2103, Idaho Code, for some planned excursions in The City of Rocks National Reserve next summer. After reviewing the request and having further

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
APPROVED MINUTES - DECEMBER 1 - 3, 1997

discussion, MSC (Lyon--Hunsucker) TO APPROVE THE REQUEST FROM NOLS FOR AN EXEMPTION FROM LICENSING IN ACCORDANCE WITH THE PROVISIONS OF THE OUTFITTERS AND GUIDES ACT.

There being no further business to come before the Board at this time, the meeting was adjourned at 5:10 PM.

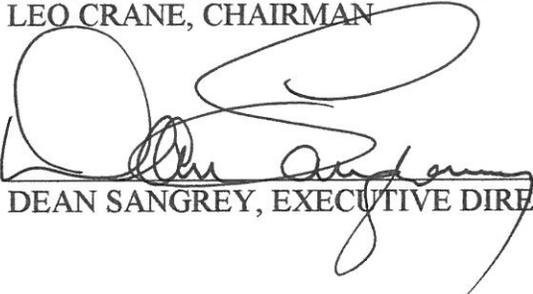
Board Chairman Leo Crane, members Ray Lyon, Wayne Hunsucker, and Bill Bernt, Director Dean Sangrey, and Board Counsel Steve Scanlin, met with several members of the Idaho Fish & Game Commission, their legal counsel and wildlife bureau chief, for an informal discussion over dinner following the conclusion of the regular Board meeting.

Special Teleconference Meeting: A special meeting by teleconference was called to order at 2:00 PM on Thursday, January 23, 1998. Chairman Crane, Vice Chairman Haynes, and members Bernt and Hunsucker discussed several licensing issues with Director Sangrey and Board Counsel Steve Scanlin. As a result of a recommendation reviewed during a meeting of the Board's Licensing Review Committee, the Director has suggested that use reporting requirements for power and float boat operators be modified to eliminate the need to show a breakdown between resident and non-resident clients. Several boaters have commented about the difficulty in keeping these figures separated and that it would make more sense to consolidate this information into one figure. The Board concurred with this change to the outfitter license renewal process. The group also considered a suggestion that a single transmittal cover sheet be developed for use with a group of guide license renewals in which there are no changes to the basic application information. Following a discussion it was noted that Idaho Code requires submission of a completed guide license application for renewal and a major amendment would be necessary to change this procedure. The Board also reviewed some of the elements of the new Frank Church River Of No Return Wilderness Management Plan, which everyone received during the last week. Following a brief discussion it was agreed the Board was not prepared to take an official stand on the recommendations contained in the Plan at this time. Further review will be considered at a later date.

ATTEST:



LEO CRANE, CHAIRMAN



DEAN SANGREY, EXECUTIVE DIRECTOR