

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

**APRIL 27 - 30, 1998**

**“MSC” (Motion made, seconded, and carried)**

**“MSF” (Motion made, seconded, and failed)**

The regular meeting of the Idaho Outfitters and Guides Licensing Board was called to order at 8:05 AM, Monday, April 27, 1998, in the Boardroom located at 1365 North Orchard, Rm 172, Boise, Idaho. Board Chairman Leo Crane, Vice Chairman Diana Haynes, and members Bill Bernt, Ray Lyon and Wayne Hunsucker were in attendance. Also present were Board Executive Director Dean Sangrey, Board Counsel Steve Scanlin, and Board Education/Law Enforcement Supervisor Bill Vetesy.

**Executive Session:** MSC (Haynes--Lyon) THAT THE BOARD GO INTO EXECUTIVE SESSION AT 8:10 AM TO DISCUSS PERSONNEL MATTERS. MSC (Bernt--Hunsucker) TO COME OUT OF EXECUTIVE SESSION AT 9:10 AM WITH NO DECISIONS MADE.

**Staff Compensation Schedule:** Following a discussion of the compensation policy recommendations presented by the Division of Financial Management (DFM), MSC (Lyon--Hunsucker) TO APPROVE THE DFM RECOMMENDATION FOR STAFF SALARY ADJUSTMENTS TO BRING THEM CLOSER TO POLICY GUIDELINES.

**Staff Reports: Dean Sangrey - Personnel Matters** The Director updated the Board on present staffing arrangements which include the annual part-time clerical position which was filled the first part of April. He also explained that with the passage of the Board's FY1999 budget by the Legislature, the office is now authorized to proceed with plans to hire a permanent part-time clerical staff person. The job description is currently being completed and efforts will be made to interview potential candidates and have someone hired prior to the end of June. **Licensing Status Report** To date, the office has issued 190 outfitter, 124 designated agent, and 186 guide licenses. **License Fee Increase** The Director reviewed the implications of the increased license fee structure approved by the Legislature and signed into law. The new fees become effective July 1, 1998 for all licenses as well as the one-time application fees for first time applicants. Informational materials explaining the new fees and procedures are being developed and will be made available to all licensees and the public in the near future. **Memorandum Of Understanding (MOU)** A final draft of the revised MOU between the IOGLB, the U.S. Forest Service, and the Bureau of Land Management, was previously provided to the Board and discussed. Board Attorney Steve Scanlin advised he would complete his evaluation of the new document within the next two days and report on his recommendations at that time. The Board will then consider final adoption at a later date. **Licensing Review Committee** The Director reported on continuing efforts to develop credit card payment capabilities at the Board office for receipt of license fees. The goal is to have a test program in place sometime this summer. **Orofino Chamber of Commerce Meeting** Chairman Crane reported on a meeting he attended at the Orofino Chamber of Commerce. They discussed local issues relating to potential

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restrictions on outfitters with the allocation being implemented and what impacts this may have on the community.

**Steve Scanlin: Legislation and Rules** Mr. Scanlin reported on the status of the legislation and rules recently considered by the Legislature. The discussion included a review of the amended rules as adopted by the legislature as well as some proposed language for implementing some of the new provisions in the statute. **Rich Cook Appeal** Oral argument in the Rich Cook matter will be heard before the Fourth District Court on May 21, 1998. **Outfitter Allocation** An update on the implementation of the outfitter allocation policy was presented including a preliminary discussion of the extended policy for determination on unused tag distribution. **Ken Hoffman** Mr. Scanlin advised the Board of a situation that exists concerning Mr. Hoffman and his refusal to pay the costs for preparation of a hearing transcript. Following this discussion, the Board directed that a letter be prepared advising Mr. Hoffman of the consequences should he fail to reimburse the Board.

**Steve Tobiason:** Mr. Tobiason reviewed preliminary issues with the Board relative to the scheduled hearings for H&L Outfitters, Rick Lane and Steve Hanowell, and Michael Stockton. The hearing for H&L will be continued to the June meeting because of scheduling conflicts, and a draft stipulated settlement for Mr. Stockton was presented to the Board for review.

**Arkansas River (Colorado) Fatality & Lawsuit:** In response to Board Member Bill Bernt's request, the Director reported on the results of his inquiry to the Colorado Office of Outfitter Registrations regarding a boating fatality that occurred in 1994. Information regarding the investigation and recent court decision was shared with the Board.

**Bill Vetesy:** Mr. Vetesy presented his education/law enforcement bureau report. **Reduced Activities** Due to budget constraints, there has been a significant reduction in the amount of field work conducted by investigative staff during the last several months. As the Board gets closer to the end of the current fiscal year (June 30), he hopes to have the staff actively involved in some pending investigations that have been delayed during this period. Some investigations are presently being pursued cooperatively with the IDFG, and the Board prosecutor is continuing with his investigation into the Ted Epley matter. **Personnel** Board investigator Pat Beale has resigned, citing time constraints with his full-time employment. **Complaint Status Report** A status report on all pending or recently concluded complaints was reviewed with the Board. The caseload currently has 22 reports of record, 9 of which are still active. **IDFG Radio Talk Show** Director Sangrey joined Supervisor Vetesy as guests on the Idaho Department of Fish & Game radio talk show on KBOI on April 6.

**IOPA Government Affairs Committee:** Vice Chairman Diana Haynes discussed a letter she had received from Louise Stark, Government Affairs Committee Chair for the IOPA. Ms. Stark reviewed the results of a Committee meeting that was held in Lewiston during the IOPA spring meeting. Issues dealing with improved agency-industry relations and communications were discussed, as well as an invitation for Vice Chairman Haynes to serve in the capacity of a liaison between the Licensing Board and the Committee. The Board concurred this would be a positive course of action if Diana has the time. She indicated she would be glad to serve as a liaison.

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

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**John Heimer:** Mr. Heimer appeared before the Board to review the status of licensing consideration for the lower Payette River and lower Boise River sections. The Director and Mr. Heimer reviewed the events that lead to efforts in the past legislative session to have these river sections removed from the Board's proposed rule package. The Director explained their efforts last fall to meet with County Commissioners in Gem, Payette, Ada, and Canyon County to explain the proposed rule amendment being considered. An interview was conducted with the editor of the Emmett newspaper, which resulted in publication of an informative news article, and a public hearing was held in Emmett in December. Continued efforts are planned for this spring to inform other users and general publics about these proposed activities to solicit input to help the Board reach a decision. Agricultural and irrigation users have expressed concerns about some elements of this type of activity on the river, and these concerns will be addressed during the Board's analysis. Based on the developments of the last couple of months, Mr. Heimer informed the Board he wants to amend his original request to eliminate any consideration on the lower Payette River and modify the proposal for the Boise River to incorporate just that portion from the Garden City municipal limits to Caldwell. After reviewing this amended request in detail, the Board directed that all future petition analysis be confined to this shortened section of the Boise River and that no further inquiry be pursued on the Payette River.

**Michael Browning:** Mr. Browning appeared before the Board to review the status of his suspended guide license. He explained that Mr. Epley wants to employ him again this year to work as a river guide on the Salmon River and there is no reason that portion of his license should not be renewed. He stated he doesn't care to work in the land based side of Epley's Inc. outfitter business, but he would like to guide again this summer. Following this discussion with Mr. Browning, MSC (Hunsucker--Haynes) THAT THE LICENSE SUSPENSION PLACED ON MR. BROWNING'S GUIDE LICENSE BE LIFTED, AND A FLOATBOATING GUIDE LICENSE FOR 1998 BE ISSUED TO HIM UNDER THE FOLLOWING STIPULATIONS: 1) SAID LICENSE WILL BE ISSUED UPON PAYMENT OF FEES AND COMPLETION OF OTHER LICENSING REQUIREMENTS; 2) THE 1998 LICENSE WILL BE FOR RIVER ACTIVITIES ONLY AND NO RECREATIONAL ACTIVITIES; AND 3) MR. BROWNING'S LICENSE STATUS WILL BE REVIEWED FOLLOWING THE COMPLETION OF THE BOARD'S INVESTIGATION.

**Bret Rose:** Mr. Rose appeared before the Board to discuss his plans for developing guided shooting preserve upland bird hunts in the vicinity of his home in Malad, Idaho. He has operated a shooting preserve for the last three years in conformance with appropriate rules and guidelines as administered by the Idaho Department of Fish & Game. He would like to expand some of his hunts on to adjacent lands and provide guided services, but current IOGLB regulations do not allow this type of activity. Mr. Rose will consider further options such as possible licensing of other activities and contact the Board to discuss these options.

Meeting recessed at 5:00 PM and reconvened at 8:10 AM, Tuesday, April 28, with all Board members present.

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**Financial Report:** The Director reviewed the current financial report for March, 1998, and following this discussion, MSC (Hunsucker--Lyon) TO ACCEPT THE CURRENT FY1998 FINANCIAL REPORT AS PRESENTED.

**Justin Wright - Denial Hearing:** Mr. Wright appeared before the Board for a hearing regarding the denial of his outfitter license application. He has proposed a purchase of a portion of the hunting outfitting business presently operated by John Cranney in IDFG Management Unit #51. Mrs. Wright and Mr. Cranney also appeared on behalf of Mr. Wright. The earlier denial was based on facts relating to problems involving his previous licensed outfitter operations in Wyoming. He was cited for a fish and game and bear baiting violation which subsequently resulted in his Wyoming license being revoked. In his presentation to the IOGLB, Mr. Wright explained the circumstances more thoroughly surrounding these previous incidents and submitted several additional character references and letters of support. Mr. Cranney also provided additional insight into the realities of operating a business in this area and shared his frank assessment of Mr. Wright's qualifications and experience. At the conclusion of this testimony, MSC (Lyon--Haynes) TO APPROVE THE SALE AND TRANSFER OF BUSINESS BETWEEN MR. CRANNEY AND MR. WRIGHT AND APPROVE THE ISSUANCE OF THE 1998 SOLE PROPRIETOR OUTFITTER LICENSE FOR MR. WRIGHT, BUT WITH PROBATIONARY RESTRICTIONS. DURING THE TERM OF PROBATION HE MUST NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE CONSIDERED FOR THE OUTFITTER LICENSE DURING THE TERM OF PROBATION WHICH WILL EXPIRE ON MARCH 31, 1999.

**Michael Stockton, Show Cause Hearing:** Mr. Stockton was scheduled to appear at this time in a show cause hearing to answer charges relating to six counts of alleged violation of Idaho statute and IOGLB rules. Prior to the start of the hearing, the complainant, the IOGLB, through its attorney Mr. Steve Tobiason, agreed to a stipulated settlement to resolve this action. Under the terms of the agreement, Mr. Stockton admitted to two counts of unethical and unprofessional conduct and agreed to pay the costs of investigation and prosecution incurred by the IOGLB in the amount of \$1,443.58. This sum shall be due and payable by June 1, 1998. Following review and discussion of this proposed settlement between Mr. Tobiason and the Board, MSC (Bernt--Hunsucker)(Lyon-aye, Hunsucker-aye, Bernt-aye, Haynes-nay, Crane-abstained) TO ACCEPT THE STIPULATED AGREEMENT BETWEEN MR. STOCKTON AND THE IOGLB AS PRESENTED.

The meeting recessed for lunch at 11:30 AM and reconvened at 1:15 PM, with all members present.

**Jim Gellein, Denial Hearing:** Mr. Gellein appeared before the Board for a hearing regarding the denial of his guide license application for employment with Laura Bagley. Mr. Gellein presented additional support documentation in the form of character reference letters and was represented by his attorney, Mr. Phillip Gordon. The Board asked for additional discussion and review of the circumstances relating to Mr. Gellein's felony convictions. At the conclusion of this discussion, MSC (Hunsucker--Bernt)(Lyon-aye, Hunsucker-aye, Bernt-aye, Haynes-nay,

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Crane-aye) TO APPROVE THE ISSUANCE OF A TWO YEAR PROBATIONARY GUIDE LICENSE FOR MR. JIM GELLEIN FOR EMPLOYMENT WITH LAURA BAGLEY. 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 EXPIRE ON MARCH 31, 2000. Further, Mr. Gellein asked the Board to consider waiving the requirement for one trip on the SA7A, SA7B, and SA8 sections of the Salmon River to reinstate his lead boatman status on those river sections. He explained he has been very active taking numerous trips on these sections over the last twelve months and it would create a hardship for Ms. Bagley's operation if they were delayed getting into operation until he could complete a formal training trip. At the conclusion of this discussion, MSC (Lyon--Bernt)(Lyon-aye, Hunsucker-aye, Bernt-aye, Haynes-nay, Crane-aye) TO WAIVE THE REQUIREMENTS UNDER THE PROVISIONS OF IDAPA 25.01.01.041 FOR ONE TRAINING TRIP TO BE COMPLETED WITHIN THE LAST 24 MONTHS FOR MR. GELLEIN TO MAINTAIN OR REESTABLISH HIS LEAD BOATMAN STATUS.

**Joe Cabral:** Mr. Cabral called to talk with the Board about his proposal to purchase the Blackjack Outfitters portion of Mike Stockton's outfitting business. The Board has concerns about Mr. Cabral's violation history that he reported on his license application. Mr. Cabral explained the history behind those issues and also faxed a letter containing some additional explanation. The Director reviewed Mr. Cabral's license application with the Board and following this discussion, MSC (Bernt--Lyon) TO APPROVE THE SALE AND TRANSFER OF THE BLACKJACK OUTFITTERS HUNTING BUSINESS TO MR. JOE CABRAL. THE LICENSE IS TO BE ISSUED FOLLOWING SATISFACTORY COMPLETION OF ALL OTHER ADMINISTRATIVE REQUIREMENTS.

The meeting recessed at 4:45 PM and reconvened at 8:06 AM, Wednesday, April 29, 1998, with all members present.

**Steve Huffaker, Wildlife Bureau Chief, IDFG:** Mr. Huffaker presented some information to the Board relating to deer and elk tag acquisition by outfitters and their clients as it relates to the outfitter set-aside, the allocation, and general tags. He also discussed the proposed deer allocation process being considered in a couple of management units in the Clearwater Region.

**Deer and Elk Allocation:** The Board called a meeting to discuss the present status of the new allocation process that has been implemented for the Lolo Zone. Several outfitters from the Zone along with representatives from the IOGA attended this meeting which was also organized to examine various options for control and distribution of unused tags that may become available within a zone during the allocation process. The participants included Herman Kuykendall, Harlan Opdahl, Barbara Opdahl, Darl Allred, and Grant Simonds. The Director presented the final report prepared for allocation of elk tags for the outfitters in the Lolo Zone. The final distribution of tags was based on a total of 236 available as determined by the Idaho Fish & Game Commission. Equitable distribution within the zone resulted in one unallocated tag. Two options were considered for dealing with this remaining tag. 1) Board member Ray Lyon

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suggested a lottery-type drawing to consist of any outfitters in the zone with a "zero use" year in the base calculation for the five year average and whose allocation result has been rounded down; and 2) Board member Bill Bernt recommended all outfitters whose calculated percentage resulted in a remainder of ".4" be pooled and drawn on a lottery basis. Following discussion, MSC (Hunsucker—Lyon) TO ADOPT THE OFFICIAL RESULTS FOR ALLOCATION OF ELK TAGS IN THE LOLO ZONE FOR 1998 AS DETERMINED BY THE DIRECTOR AND PRESENTED ON THE ALLOCATION SPREAD SHEET. Further, MSC (Lyon--Hunsucker) TO APPLY OPTION #1 TO DETERMINE THE DISTRIBUTION OF THE UNALLOCATED TAG IN THIS INSTANCE. THIS METHOD RESULTED IN THE EXTRA TAG BEING ASSIGNED TO LEROY KUYKENDALL.

**IOGLB Deer and Elk Allocation Policy 98-01:** The Board reviewed the new Deer and Elk Allocation policy adopted at the February Board meeting and discussed several ideas for amendments to the policy relative to unused tags. Recognizing that some of the assigned tags in a zone may not be obligated by the July 15 cut-off date, the following guidelines were established to deal with these tags. 1) By mutual agreement between consenting outfitters, for no consideration or payment and with the approval of the Board and on a form approved by the Board, an outfitter may transfer his allocation to another outfitter within the same zone. 2) All tags reported to the Board as available in a zone by July 15 shall be distributed on a random lottery basis on the following business day or as soon thereafter as practicably possible among the outfitters in that zone who have requested that their names be placed in that drawing. The IOGLB will establish a waiting list for outfitters within the zone to report their needs/desires regarding any unused tags. Following the drawing, the IOGLB will notify the appropriate Regional Office for the IDFG and inform them of the results. The actual distribution of tags will be handled by that Regional Office.

**Grant Simonds, IOGA Executive Director:** Mr. Simonds discussed a number of topics of mutual concern to the IOGLB and IOGA, including: the Robert Charlton complaint; goat packing considerations; the former Richard Norris operating area; a letter from the Panhandle Region, IDFG, that addressed a proposed moratorium on new deer and elk hunting in the region; the status of the U.S. Forest Service DEIS on the Frank Church River of No Return Wilderness; the status of the Epley, Inc., accidental death incident; and he reviewed the presentation made by Linda Rider at the IOGA spring meeting in Lewiston on land based horse activity guidelines that the industry is considering. He provided a copy of a survey they have developed to each Board member for review and comment.

The meeting recessed for lunch at 12:40 PM and reconvened at 1:45 PM with all members present

**Jason Moore:** Mr. Moore appeared before the Board to discuss his 1998 guide license renewal application for employment with Shepp Ranch. He has been licensed for the last two years for Shepp Ranch and decided with this current application he needed to acknowledge a felony conviction he had received in 1994 for stealing. Mike and Lynn Demerse, managers for Shepp Ranch, appeared on behalf of Mr. Moore. He explained that he had stolen funds from an

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employer and was currently on probation for this conviction. He stated he is currently on supervised probation with the State of Oregon and is paying restitution. He is concerned about this incident having a impact on his ability to continue as a guide and he wanted to get everything out in the open. Mike Demerse stated Mr. Moore has been a very satisfactory employee and he would like to retain him if possible, knowing the history of this violation. At the conclusion of this discussion, the Board instructed the Director to make contact with Mr. Moore's probation officer to ascertain any other details of this incident and find out how he is handling his probation.

**Rules Amendment Package:** Mr. Scanlin distributed and reviewed a copy of the latest rules package with incorporated amendments dealing with changes from the legislative session including the addition of goatpacking and changes needed relative to the new increased performance bond requirements. Following review and discussion, MSC (Lyon—Haynes) TO ACCEPT THE RULES PACKAGE AS PRESENTED AND PROCEED WITH NECESSARY PROMULGATION PROCEDURES, EFFECTIVE RETROACTIVE TO MARCH 17, 1998.

**Administrative Note:** At a tele-conference call on May 6, 1998, the Board approved the final amended version of the rules including new bonding requirements.

The meeting recessed at 4:30 PM and reconvened at 8:30 AM, Thursday, April 30, 1998, with all members except Wayne Hunsucker present.

**February Board Meeting Minutes:** The Board reviewed the draft minutes from the February, 1998, Board meeting. Following this review and discussion, MSC (Lyon—Haynes) TO ACCEPT THE MINUTES AS CORRECTED.

**Peter Grubb, ROW, Inc.:** The Board reviewed a letter submitted by Mr. Grubb relating to his suggestion that the Board should consider establishing an omnibus river boating rule that would allow establishment of commercial boating activities on all Idaho rivers not currently regulated by, and without the need for approval of, the Licensing Board. His rationale was that this approach would make it easier on the Board and save time and money in the overall licensing process. The Board expressed several immediate concerns relating to safety issues and the precedent for turning control of the state's regulatory process over solely to other agencies, or no other agency. The Director was instructed to share these concerns and issues with Mr. Grubb.

**Olivia James, The River Company:** The Board reviewed a letter submitted by Olivia James and Erasmo Paolo, of The River Company, in which they related several problems they are having with U.S. Forest Service management decisions on the upper Salmon River. One of the issues deals with an apparent arbitrary decision by the Sawtooth National Recreation Area to consolidate the two special use permits the River Company has maintained for eight years into one permit. This is in direct conflict with the status of these businesses with the State of Idaho in that we recognize two separate businesses and license them accordingly. The Director will write to the SNRA to inform them of our concern and determine the rationale for this USFS action.

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**Ken Thompson:** The Board reviewed the 1998 guide license application submitted by Mr. Thompson for employment with Twin Peaks Ranch. He was cited for violating IDFG regulations in 1995 and was placed on prosecutors probation for one year. According to the record there were no fines assessed and he completed the terms of his probation satisfactorily. At the conclusion of this discussion, MSC (Lyon--Bernt) TO APPROVE THE ISSUANCE OF MR. THOMPSON'S 1998 GUIDE LICENSE UNRESTRICTED.

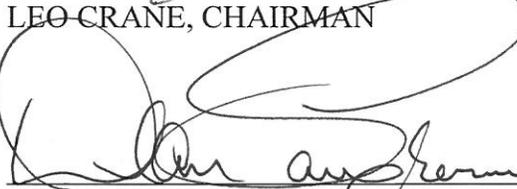
**William Bonson:** Mr. Bonson submitted a guide license application for employment with Beamer's Landing. He did not acknowledge his conviction for violation of IDFG regulations in 1997 on his application. After reviewing his file and discussing this information, MSC (Haynes—Bernt) TO DENY THE GUIDE LICENSE APPLICATION OF MR. WILLIAM BONSON.

**Kevin Brown, Outfitter License Application:** The Board reviewed the outfitter license application submitted by Mr. Brown. He is proposing to establish a big game hunting business primarily for bear and cougar, in a large portion of various IDFG Management Units in the Panhandle and Clearwater Regions. Written comments have been received from the U.S. Forest Service and IDFG concerning potential for conflicts with the public and other local outfitters. These agencies also have concerns about a past history of numerous convictions for violations of Fish & Game regulations. Although the violations occurred eight to ten years ago, the Board is concerned about a pattern of misconduct. Based on the information provided and following a thorough discussion, MSC (Haynes—Bernt) TO DENY THE OUTFITTER LICENSE APPLICATION SUBMITTED BY MR. KEVIN BROWN.

With no further business to come before the Board, the meeting was adjourned at 11:45 AM.

ATTEST:

  
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LEO CRANE, CHAIRMAN

  
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DEAN SANGREY, EXECUTIVE DIRECTOR