

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

DECEMBER 2 -4, 1998

APPROVED MINUTES

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

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

Special Teleconference Board Meeting:

November 12, 1998, 8:03AM – Members present: Chairman Leo Crane, Vice Chairman Diana Swift, Bill Bernt, Wayne Hunsucker, Ray Lyon. Ray Lyon and Executive Director Dean Sangrey participated from the IOGLB boardroom at 1365 N. Orchard, Room 172, Boise, Idaho. Others were at their individual residences. Director Sangrey reported to the Board that the investigation into a fatality that occurred in August, 1997, on a trailride excursion conducted by licensed outfitter Ted Epley, has been completed. As a result of this investigation, a complaint has been filed against Epley’s, Inc., alleging a violation of Idaho law and Board rule. Based on the potential complexities of the case, the Director recommended that the matter be heard by an appointed hearing officer as opposed to the IOGLB. Following this discussion, MSC (Lyon—Swift)(Crane-abstain, Swift-aye, Bernt-aye, Hunsucker-aye, Lyon-aye) **THAT THE BOARD ACKNOWLEDGE FILING OF A COMPLAINT IN THIS MATTER AND THAT THE DIRECTOR PROCEED ACCORDINGLY TO CONTRACT WITH AN APPROPRIATE HEARING OFFICER TO HEAR THIS CASE.**

A meeting of the Idaho Outfitters and Guides Licensing Board was called to order at 8:05 AM, Wednesday, December 2, 1998, in the Boardroom located at 1365 North Orchard, Rm 172, Boise, Idaho. Board Chairman Leo Crane, Vice Chairman Diana Swift, and members Wayne Hunsucker, Bill Bernt, and Ray Lyon 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: Upon request of Director Sangrey and in accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Hunsucker--Bernt) **TO GO INTO EXECUTIVE SESSION AT 8:07 AM TO DISCUSS LITIGATION MATTERS.** MSC (Swift—Hunsucker) **TO COME OUT OF EXECUTIVE SESSION AT 8:29 AM WITH NO DECISIONS MADE.**

Staff Reports: Dean Sangrey - 1998 Licensing Progress: As of 11-25-98 we have issued 412 outfitter, 267 designated agent, and 2,022 guide licenses. This compares to 400, 246, and 1,985, respectively, for the same period in 1997. **Credit Card Payment Procedures:** Since initiating this program in late August, the office has processed 76 requests for these types of payments totaling over \$4,300. All documentation submitted

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to facilitate these transactions is immediately destroyed to protect confidentiality. **Mike Mulligan – Special Use Permit Issue:** A meeting was conducted at SNRA headquarters in Ketchum with Mr. Mulligan and representatives of the USFS on November 24, 1998. A representative of Senator Larry Craig's office was also present. The group reviewed the situation regarding potential reissuance of a special use permit for Mr. Mulligan's snowmobile operations on the Sawtooth National Forest. Forest Service staff advised they would consider reissuing a temporary permit for these activities if all provisions are met with regard to permit conditions. All conditions appeared to be agreeable except the issue of on-site storage containers. Mr. Mulligan was encouraged to work with the SNRA area ranger and staff to try to reach an acceptable compromise. **Boundary Dispute:** A disagreement over a portion of common operating area boundary has existed between Bob Hennefer and Jim Super on the Ketchum Ranger District. The issue involves a historic boundary description on Hyndman Creek between Hennefer and the former outfitter in the area, Tom Proctor. Research revealed essentially no use in that particular part of the drainage by Hennefer over the years and that suitable access does exist for Super to utilize the area for summer trips and fall hunting activities. After thorough discussion, a compromise was reached to move the common boundary out of the creek bottom to the hydrologic divide between Hyndman Creek and the East Fork of the Wood River. **Outfitter Exam:** A revised copy of the IOGLB written outfitter exam was presented to the Board for review. Following the enactment of recent statutory amendments and rules changes, the exam has been upgraded and reformatted to reflect these modifications.

Steve Scanlin: Mr. Scanlin reviewed a number of IOGLB related legal issues, including: a status report on the Rich Cook matter; a review of recent discussions relating to licensed outfitter Olivia Expeditions and the Sawtooth National Recreation Area; and an update on numerous legal matters discussed and addressed with the Director since the August Board meeting.

Bill Vetesy: Mr. Vetesy reported on the status of issues relating to the Education/Law Enforcement Bureau, including: results of 1st quarter activities within the bureau; a discussion of current investigations being reviewed by him and his staff; and an update on current complaints and undercover activities. He also reported on the successful prosecution of an unlicensed hunting outfitter apprehended in Valley County. Mr. John Stokes was fined \$200 plus court costs and ordered to pay restitution of \$2,100 to the IOGLB. Bill also presented a draft of a cover letter and complaint form that the bureau intends to begin using soon. He also reported on his successful completion of a management course for small law enforcement agencies.

Olivia Expeditions, Inc., Olivia James and Erasmo Paolo, Designated Agents: Steve Scanlin reported on recent discussions with Ed Cannady, Sawtooth National Recreation Area (SNRA), regarding the permit status of Olivia Expeditions. Ms. James contends they have always maintained two outfitter licenses and two special use permits with the SNRA ever since they acquired the business in 1990. According to IOGLB records, there have been two licenses issued to the corporation since May, 1990. The SNRA contends that these floatboat operations were authorized under just one special use permit, which

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combined two allocations of use days, although some of the language reflected in the annual permits seems to describe that two permits existed. After reviewing all of this information, it is the IOGLB's position that there has not been any violation of the provisions of the Memorandum of Understanding (MOU) with regard to the SNRA's permitting of Olivia Expeditions.

Brent Fitchett, Elk Creek Outfitting: Mr. Fitchett appeared before the Board to discuss his interest and intentions to purchase the hunting outfitter business formerly operated by Gregory Grabacki as Wilderness Lodge, LTD. In August, 1998, Mr. Grabacki informed the IOGLB by letter that he intended to terminate the operation of the Wilderness Lodge outfitting business and wanted to relinquish the outfitter license. The IOGLB took this request under consideration at its next regular meeting on August 24 and accepted the voluntary relinquishment at that time. Although unknown to the IOGLB at that time, Mr. Grabacki was negotiating during the month of August for a potential sale of the business to Mr. Fitchett, and they entered into an agreement for this purpose on August 31, 1998. The IOGLB was not informed of this transaction until September 17, when a signed copy of the Contract Agreement, list of assets, release form, amended operating plan, and amendment request form was received at the office from Mr. Fitchett. A letter from Mr. Grabacki requesting that the IOGLB consider assigning the Wilderness Lodge business to Mr. Fitchett was also received that same day. After reviewing this information, the Director informed the parties that any consideration for possible transfer of the business would have to be reconsidered by the IOGLB as they had taken formal action to relinquish the license the previous month.

Mr. Fitchett and his attorney, Mr. Jeffrey Noble, met with the IOGLB at this time to discuss this reconsideration. Mr. Jeff Meyer, an interested third party, was also present. Mr. Fitchett further informed the IOGLB that he has completed a transfer of the U.S. Forest Service special use permit formerly assigned to Wilderness Lodge, LTD, into his name, as the permit had never been terminated and was still valid until December 31, 1998. The IOGLB reviewed all of the information relative to this situation, including various letters and other documents that had been received. Following a thorough review of all of the facts in the matter, MSC (Swift—Hunsucker)(Crane-aye, Swift-aye, Hunsucker-aye, Bernt-aye, Lyon-nay) TO RESCIND THE ACTION TAKEN BY THE IOGLB ON AUGUST 24, 1998, TO ACCEPT THE VOLUNTARY RELINQUISHMENT OF THE WILDERNESS LODGE, LTD., OUTFITTER LICENSE. WITH THIS RECISSION, THE BOARD WILL NOW PROCEED WITH FORMAL REVIEW OF THE PROPOSED PURCHASE OF THE WILDERNESS LODGE OUTFITTER BUSINESS BY MR. FITCHETT.

John Heimer, Boise River Tours: Mr. Heimer appeared before the IOGLB to join with the Director in presenting an updated report on the progress of the evaluation of the proposal for opening commercial floatboat operations on the Boise River between the city limits of Boise and Caldwell. A meeting was conducted in November in Star, Idaho, to inform the public about the proposal and solicit input and comments. A number of local residents attended, as well as State Senator Cecil Ingram, and several business and

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profession individuals who spoke in support of licensing these types of interpretive excursions on the lower Boise River. In addition, several articles have been written about the proposed service and local television news stories have also covered the story. The Director will continue to address any remaining identified areas of concern and will hope to present the licensing proposal to the IOGLB at the regular February meeting for final consideration and action.

Joe Burch, J.R. Burch Outfitters, Show Cause Hearing: Mr. Burch appeared before the IOGLB in a show cause hearing to answer allegations of operating in an area for which he is not licensed. He was not represented by counsel and stipulated to the charges. He acknowledged that he had conducted two bighorn sheep hunts in a portion of Owyhee County situated outside the boundary of his assigned operating area. He was also found by the BLM to have been in violation of their special use permit requirements for that area and was cited by that agency and paid a \$200 fine. At the conclusion of testimony and consideration in this matter, MSC (Lyon—Hunsucker) THAT MR. BURCH BE FINED IN THE AMOUNT OF \$250 AND PLACED ON PROBATION FOR A PERIOD OF I YEAR. THE TERMS OF PROBATION REQUIRE THAT MR. BURCH NOT VIOLATE AND LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 2000. AMENDMENTS WILL BE CONSIDERED DURING THIS PROBATION. PAYMENT OF THE \$250 FINE MUST BE RECEIVED NO LATER THAN 60 DAYS FOLLOWING RECEIPT OF THIS FINAL DECISION AND ORDER OF THE BOARD.

The meeting recessed for lunch at 12:00 noon and reconvened at 1:30 PM with all members present.

Ronn Julian, Jane Cropp, Cascade Ranger District: Mr. Julian and Ms. Cropp appeared before the IOGLB to discuss the current evaluation they are conducting into the request from Paul Meholchick, Juniper Mountain Outfitters, for authorization to start providing limited big game hunting activities on a portion of the Cascade District. The USFS is considering a temporary approval of this request and is proposing to monitor the operations on a yearly basis for several seasons to check for compliance with regulations and interaction with the public and other users of the national forest. The hunting activities in this area were suspended from the special use permit several years ago based on unsatisfactory performance by the previous operator of the business. The approved hunting activities were never deleted from the outfitter license because the IOGLB had no legal grounds to remove them. The IOGLB will continue to monitor the progress of this review by the ranger district.

Mike McFarland, Show Cause Hearing: Mr. McFarland appeared in a show cause hearing to answer allegations of unethical/unprofessional conduct regarding a floatboat trip on the Salmon River. The alleged incident occurred when Mr. McFarland was reported to have consumed beer just prior to and during a day trip excursion on the

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Salmon River above Riggins. Testimony was provided by Mr. McFarland, his employer Nate Hollingsworth, and two complainants who were customers in the raft. Mr. McFarland stipulated to the violation. Following this discussion and at the conclusion of testimony, MSC (Swift—Hunsucker) THAT MR. MCFARLAND BE FINED \$300, PLACED ON PROBATION FOR 2 YEARS, AND BE REQUIRED TO SUBMIT A 2000 WORD ESSAY ADDRESSING THE HAZARDS OF DRINKING AND GUIDING. THE NORMAL TERMS OF PROBATION WILL APPLY MEANING THAT MR. MCFARLAND MUST NOT VIOLATE AND 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, 2001. PAYMENT OF THE FINE AND THE 2000 WORD ESSAY MUST BE RECEIVED WITHIN 60 DAYS OF RECEIPT OF THE FINAL DECISION AND ORDER.

Dan Helterline: The Board reviewed a guide license application submitted by Mr. Helterline for employment with Ken Smith. This review was conducted by teleconference with Mr. Helterline. The application was initially denied based on a history of two previous convictions for game violations by Mr. Helterline, one in Montana and one in Colorado. The IOGLB discussed the various elements of the case with the applicant and at the conclusion of this review, MSC (Lyon—Swift) THAT THE 1998-99 GUIDE LICENSE APPLICATION FOR DAN HELTERLINE BE DENIED.

The meeting recessed at 5:10 PM and reconvened at 8:10 AM, Thursday, December 3, 1998, with all members present.

Diana Swift, Wapiti Meadow Ranch: Ms. Swift approached the Board to discuss options she might consider for incorporating non-outfitted activities and participation at Wapiti Meadow Ranch. She has recently experienced more interest from individuals just wanting to visit at the ranch and not necessarily participate in outfitted activities.

Bob Hamilton, Pack Bridge Outfitters, Show Cause Hearing: Mr. Hamilton appeared in a show cause hearing to answer allegations related to his recent conviction for violation of Idaho Fish & Game hunting regulations. He stipulated to these allegations which constitutes a violation of the Idaho Outfitters and Guides Act. Based on this testimony and at the conclusion of these discussions, MSC (Lyon—Bernt) THAT MR HAMILTON BE FINED IN THE AMOUNT OF \$300 AND HIS OUTFITTER AND GUIDE LICENSES BE PLACED ON PROBATION FOR TWO YEARS. THE NORMAL TERMS OF PROBATION AS DEFINED IN BOARD RULE 068, THAT IS THAT THERE BE NO VIOLATION OF ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES, AND NO AMENDMENTS WILL BE CONSIDERED FOR THIS OUTFITTER LICENSE DURING THE TERM OF PROBATION, WHICH WILL EXPIRE ON MARCH 31, 2001. PAYMENT OF THE \$300 FINE MUST BE RECEIVED WITHIN 60 DAYS OF RECEIPT OF THIS FINAL DECISION AND ORDER.

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FY 1998 Financial Report: The Director presented a report on the IOGLB's current financial condition, and also updated them on the status of the proposed FY2000 budget for the agency. Following these discussions, MSC (Lyon—Bernt) TO ACCEPT THE CURRENT FINANCIAL REPORT AS PRESENTED.

The meeting recessed at 11:20 AM to provide time for the IOGLB to travel to Idaho Fish & Game Headquarters for a joint lunch meeting with the Fish & Game Commissioners. Following lunch, Director Sangrey facilitated a brief discussion period with the group addressing numerous issues including the Lolo Zone tag allocation process, chukar and wild turkey hunting consideration, IOGLB licensing authorization on private property, bighorn sheep auction tag services and statewide authorization, and IDFG / IOGLB cooperative enforcement work.

The IOGLB meeting reconvened at 2:15 PM with all members present.

Chukar, Hungarian Partridge, Turkey, and Bobcat: Following a continued discussion regarding the issues that were reviewed with the Commission, MSC (Hunsucker—Lyon) THAT 1) THE IOGLB'S RULES AND POLICY RELATIVE TO THE LICENSING OF CHUKAR AND HUNGARIAN PARTRIDGE HUNTING BE MODIFIED SO AS TO REFER TO BOTH OF THESE SPECIES COLLECTIVELY AS PARTRIDGE IN THE FUTURE, AND 2) THE IOGLB MAY BEGIN ACCEPTING APPLICATIONS FOR OUTFITTED TURKEY HUNTING. Further, as a result of consultation with the Fish & Game Commission, MSC (Swift—Bernt) THAT THE IOGLB'S POLICY BE, AND THE SAME IS HEREBY, AMENDED TO ALLOW THE INCIDENTAL HUNTING AND HARVEST OF BOBCAT IN CONJUNCTION WITH A COUGAR HUNT.

Paul Hart, Mike Spilotros, Pacific Crest Outward Bound School (PCOBS): Mr. Hart and Mr. Spilotros appeared before the IOGLB to discuss their interest in having PCOBS's program reevaluated and considered exempt under the provisions of §36-2103, Idaho Code. Each year they have experienced extreme difficulty in getting floatboat guides properly trained and qualified as licensed lead boatmen. Their manpower scheduling is such that each counselor that works with a particular group of students is paired with that group from the start to the finish of the multiple week course of instruction. On this type of schedule, the counselor is then involved specifically with river rafting activities only for one segment of the course and completes only one trip on the river. This creates a situation where the employee is then prevented from completing the minimum requirements for lead boatman status in a timely fashion, perhaps for as much as several years. After reviewing and discussing the matter in detail, MSC (Hunsucker—Lyon) TO APPROVE THE REQUEST OF PACIFIC CREST OUTWARD BOUND SCHOOL FOR EXEMPT LICENSING STATUS UNDER THE PROVISIONS OF §36-2103 OF THE IDAHO OUTFITTERS AND GUIDES ACT.

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Shane Reynolds: Mr. Reynolds appeared before the IOGLB to request their consideration for possible licensing so that he can begin work as a guide for Darl Allred. Mr. Allred was also in attendance and spoke on behalf of Mr. Reynolds. Mr. Reynolds first applied for a guide license in 1996, which application was denied based on his conviction in 1994 for violation of IDFG hunting regulations. The violation involved the illegal harvest of a hen pheasant and he lost his hunting privileges for one year. Following review of these circumstances and Mr. Reynolds' background, MSC (Lyon—Swift) TO APPROVE THE ISSUANCE OF AN UNRESTRICTED GUIDE LICENSE FOR MR. REYNOLDS.

Darl Allred: Mr. Allred talked briefly with the IOGLB about various issues dealing with the deer and elk allocation and upcoming IDFG rule amendments regarding same.

Meeting recessed at 4:50 PM and reconvened at 8:15 AM, Friday, December 4, 1998, with all members present.

Dale Denney, Bear Paw Outfitters, Show Cause Hearing: Mr. Denney appeared in a show cause hearing to answer allegations of employing an unlicensed guide. He was not represented by counsel and stipulated to the charge of employing an unlicensed guide during a mule deer hunt this fall. He proceeded to explain that the weather caused problems with getting his camps all organized and properly established and his guides weren't able to get everything completed. When numerous clients showed up for the opening of deer season, many of them couldn't even get to a camp location and several of them just left and returned home without hunting at all. During the course of all the confusion, one of his hunting guides took it on himself to instruct a camp cook to take a group of hunters by horseback out to a camp and help them hunt. This action resulted in Denney being cited for employing an unlicensed guide, although he contends he knew nothing about the unacceptable arrangement. Following this review and discussion, MSC (Swift—Lyon) THAT DALE DENNEY, dba: BEAR PAW OUTFITTERS, BE FINED IN THE AMOUNT OF \$100. FINE IS TO BE PAID WITHIN 60 DAYS OF RECEIPT OF THE FINAL DECISION AND ORDER. Further, Mr. Denney has submitted an application for consideration of a purchase of another outfitter business in IDFG Unit #17. Following discussion of this matter, MSF (Swift—Bernt) TO HOLD ANY FURTHER DECISION ON THE PROPOSED SALE AND PURCHASE OF ANOTHER OUTFITTER BUSINESS UNTIL ALL INVESTIGATIVE ISSUES INVOLVING THE BEAR PAW OUTFITTERS SOUTHERN IDAHO OPERATION ARE RESOLVED. Following additional discussion, Chairman Crane turned the chair over to Vice Chairman Swift and he made the following motion: MSC (Crane—Lyon) TO DENY APPROVAL OF THE PROPOSED PURCHASE BY MR. DENNEY OF ANOTHER OUTFITTER BUSINESS AT THIS TIME.

Robert D. Ader: Mr. Ader appeared before the Board to discuss the circumstances of his IDFG conviction in 1997. He was cited for a fishing violation while fishing for

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salmon and was ordered to pay a fine. He has been approved for a two year probationary guide license, which runs through March 31, 2000.

Sam Whitten, River Adventures, LTD.: Mr. Whitten wrote to the Board requesting their consideration for extending the limit on the number of outfitters on the SA7C (Spring Bar to Hammer Creek – 10/1 to 3/31) section of the Salmon River and also on a portion of the SA8 section down to Pine Bar. With this expanded opportunity he would be able to provide services on a larger stretch of the river during the steelhead fishing season. The Board supports the current limit of three authorized outfitters on the SA7C section and suggested Mr. Whitten be encouraged to contact other licensee's on the lower stretch of the river for other possible opportunities.

August Board Meeting Minutes: The minutes of the regular meeting of the IOGLB for August, 1998, were reviewed and discussed. Following this discussion, MSC (Hunsucker—Lyon) TO APPROVE THE MINUTES AS PRESENTED.

Director's Licensing and Administrative Actions: The following actions initiated and approved by Director Sangrey between IOGLB meetings were reviewed and approved: **Probationary guide licenses** – David Cochell, Danny Nasca, Steve Lyons, Darrell Ricks, and Robert Ader. **New outfitter licenses** – Spence Warner, Art Hegewald, E. McLeroy Jr., Victor Dalosto, Travis Reggear, Ronnie Johnson, Ed Pomme, Rick Scyphers, Chris Leech, Ronald Slocum, Carter Savage, Brennan Guth, Robert Grathwohl, James Vitale, Joseph Bigley, John R. Lawler, Thomas Coates, and Robert Stanek. **License exemption request** – Luther Heights Bible Camp. **One-day floatboat limitation exemption** – Chuck Boyd, Salmon River Experience. Following review and discussion of these actions, MSC (Hunsucker—Swift) TO APPROVE THESE ACTIONS AS ADDRESSED BY THE DIRECTOR.

Leadership Education Adventure Project, Inc. (LEAP), Michael Swiderski, DA: The Board has received a request from LEAP, Inc., to recognize a voluntary relinquishment of their outfitter license. Due to management changes the school has decided to cease operations and terminate their license. Following review, MSC Swift—Hunsucker) TO ACCEPT THE LICENSE RELINQUISHMENT OF LEAP, INC.

Zeke West, dba: Whitewater Outfitters: Mr. West contacted the Board relative to a request for non-use status for the 1998-99 season in his current licensed operations. At the conclusion of a discussion and review of his request, MSC (Bernt—Hunsucker) TO APPROVE NON-USE STATUS FOR THE 1998-99 SEASON FOR WHITEWATER OUTFITTERS.

The next regular meeting of the IOGLB will be held February 22-24, 1999, in Boise.

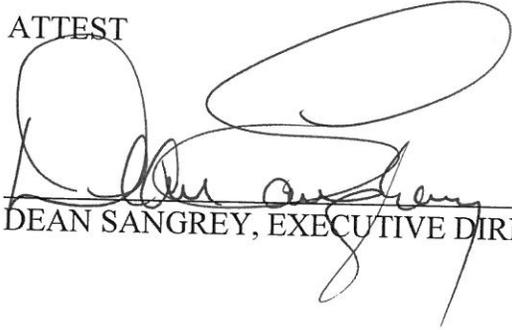
With no further business to come before the IOGLB, the meeting was adjourned at 2:40 PM.

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LEO CRANE, CHAIRMAN

ATTEST



DEAN SANGREY, EXECUTIVE DIRECTOR