

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

FEBRUARY 22 - 24, 1999

(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, February 22, 1999, at the boardroom located at 1365 North Orchard, Room 172, Boise, Idaho. Board Chairman Leo Crane, Vice Chairman Diana Swift, and members Wayne Hunsucker and Ray Lyon were in attendance. Member Bill Bernt was delayed due to adverse weather conditions and is expected to arrive by mid-day. 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 February 11, 1999, the office has issued 421 outfitter, 275 designated agent, and 2,063 guide licenses. These totals compare to 408, 250, and 2,035, respectively, for the same period in 1998.

Budget - Director Sangrey presented an update on the status of the proposed FY2000 budget as approved by the Governor's office and currently under consideration by the legislature. The adjusted total proposed budget for the new fiscal year is \$408,200.

Controlled Hunt Outfitter Allocation - Work continues on development of historic use figures in all existing controlled hunts in the state. This information will be presented to the Fish & Game Commission at their March meeting to assist them in making decisions about an authorization for controlled hunt allocation in those areas.

Performance Bond Exemption Requests - A number of formal requests have been received from licensed outfitters requesting exemption from the new \$10,000 performance bond rule requirement. Eleven inquiries have been received and were reviewed with the Board.

IDFG Management Team Meeting - The Director made a presentation to the IDFG management team during their meeting earlier this month. They discussed outfitter licensing considerations on private land, wild turkey and waterfowl authorizations, and recommendations for revising descriptions and authorizations for outfitted fishing opportunities on lakes, rivers, and streams.

Harrisburg, PA, Sports and Recreation Show - While visiting recently in Pennsylvania, the Director took an opportunity to attend the annual sports show held in Harrisburg. While there he was able to visit with a group of Idaho outfitters participating at the show, as well as a number of other businesses from surrounding states. The exhibition was very informative and he received a lot of good feedback.

Mike McFarland - A report was presented regarding the failure of Mr. McFarland to satisfy the penalties assessed against him at his Board hearing in

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December. The Director was instructed to continue follow-up with Mr. McFarland and ensure his compliance with these directives from the Licensing Board.

Bill Vetesy, Education / Law Enforcement Supervisor – Mr. Vetesy introduced Brent Hyde, the Assistant Chief for Operations with the Idaho Department of Fish & Game, who described their intent to continue to work with the IOGLB in enforcement related situations as closely as they can, considering present budget cutbacks, etc. Bill reported on the present status of all ongoing cases and enforcement efforts being conducted jointly with other agencies, including the U.S. Forest Service, IDFG, Bureau of Land Management, and U.S. Fish & Wildlife Service. Each is experiencing significant slowdowns in field efforts because of budget constraints. He also presented an update on the personnel status for the bureau and a review of the current condition of all outstanding complaints.

Steve Scanlin, Board Counsel – Mr. Scanlin reported on the present status of ongoing cases and issues, including: No decision yet on the Rich Cook District Court appeal; various topics involved with the civil trial of Bo Benedict in Salmon, Idaho; and the apparent resolution of the permit dispute between Olivia James, dba: The River Company, and the Sawtooth National Forest. Mr. Scanlin also reported on other pending legal matters and various issues discussed and resolved with IOGLB staff since the last IOGLB meeting.

The meeting was recessed at approximately 11:00 AM to allow the Director to participate telephonically as a witness in a court trial being conducted in Salmon, Idaho.

The meeting reconvened at 11:30 AM.

FY 1999 Financial Report: The Director reported on the current status of the IOGLB's financial condition as of the January month-end statistics. Following this discussion, MSC (Hunsucker—Swift) TO ACCEPT THE CURRENT FINANCIAL REPORT AS PRESENTED.

Performance Bond Exemption Requests: Following a review of the formal requests on file, MSC (Lyon—Swift) TO APPROVE THE REQUESTS RECEIVED FROM: **SCOTT SCHNEBLY, EDD WOSLUM, LAREN PIQUET, LINDA RIDER, JON CUMMINGS, ROBERT STANEK, AND KEN JAFEK.**

Administrative Note: The Director will conduct further analysis of a request from Olin Gardner for bonding exemption, and the Director is authorized to evaluate and make appropriate determinations on future requests of this nature.

The meeting was recessed for lunch at 11:45 AM, at which time member Bill Bernt arrived.

Following lunch, the Board proceeded to the Idaho Statehouse to attend the confirmation hearings at the Senate Resources and Environment Committee for members Bill Bernt

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and Wayne Hunsucker. At the conclusion of these discussions the Board returned to the IOGLB office to reconvene the meeting.

Board meeting reconvened at 2:30 PM, with all members present.

David Palmer: Mr. Palmer appeared before the Board to review the preliminary denial of his 1998-99 guide license application for employment with Yellowstone Arctic / Yamaha, Inc., as a snowmobile guide. The denial is based on his multiple convictions in 1995 for violation of IDFG hunting regulations and his failure to acknowledge these convictions on his application. Mr. Palmer presented a written explanation dealing with the violations and responded to questions from the Board. At the conclusion of this discussion, MSC (Hunsucker—Swift) TO UPHOLD THE DENIAL OF MR. PALMER'S GUIDE LICENSE APPLICATION FOR THE 1998-99 SEASON.

December 1998 Board Meeting Minutes: Following review and discussion of the minutes from the December 1998 board meeting, MSC--(Lyon Hunsucker) TO APPROVE THE MINUTES AS PRESENTED.

Selway Inn, Inc.: The Board reviewed a written request from the Selway Inn to consider authorizing them for non-use status during the upcoming 1999 season. The Inn, which is under fairly new ownership, explained they are reassessing their role as a big game hunting operation and are trying to develop a specialized operating plan geared to fewer, but high quality, hunts. Following review of this request and additional discussion, MSC (Swift—Hunsucker) TO APPROVE THE NON-USE REQUEST FROM SELWAY LODGE, INC.

Wilderness Lodge, Ltd., Gregory Grabacki, Designated Agent: The Board reviewed the proposed sale and transfer of the Wilderness Lodge, Ltd., outfitter business. Mr. Grabacki has entered into a sales/purchase agreement with Brent Fitchett, dba: Elk Creek Outfitting, for the sale of his outfitter business. In consideration of this sale, the Board has also received a license application from Jeffrey D. Meyer, who resides in Hope, Idaho, and is currently a licensed guide. The Board reviewed all of the application materials submitted by Mr. Fitchett, including a signed sales contract agreement and copy of a signed special use permit application executed by Mr. Fitchett and the Coeur d'Alene River Ranger District, as well as the application of Mr. Meyer. Following a thorough review of both applications, MSC (Swift—Hunsucker) TO APPROVE THE ISSUANCE OF AN OUTFITTER LICENSE TO BRENT FITCHETT, dba: ELK CREEK OUTFITTING, AND DENY THE LICENSE APPLICATION SUBMITTED BY JEFFREY D. MEYER.

The meeting recessed at 5:00 PM, and reconvened at 8:30 AM, Tuesday, February 23, 1999, with all members present.

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Executive Session: In accordance with the provisions of §67-2345, Idaho Code, MSC (Swift—Lyon) THAT THE BOARD GO INTO EXECUTIVE SESSION AT 8:55 AM FOR THE PURPOSE OF DISCUSSING MATTERS OF LITIGATION. MSC (Bernt—Hunsucker) TO COME OUT OF EXECUTIVE SESSION AT 9:07 AM, WITH NO DECISIONS MADE.

Big Creek Lodge & Outfitters, Inc., Brian Simi, Designated Agent: Mr. Simi appeared on behalf of Big Creek Lodge in a show cause hearing to answer allegations that he had been operating outside of his assigned operating area boundary. Mr. Dave Tidwell also was present and appeared on Mr. Simi's behalf. Mr. Simi stipulated to the allegations as contained in the citation, thereby admitting that he had violated the provisions of §36-2113(a)(8), Idaho Code. He further explained the circumstances regarding the conduct of this bighorn sheep hunt outside of his area and admitted he was not familiar with the appropriate procedures necessary to get approval to allow this type of hunt in another area. Based on this discussion and additional information provided by Board Prosecutor Steve Tobiason, MSC (Lyon—Bernt) THAT BIG CREEK OUTFITTERS IS GUILTY OF WILLFULLY OPERATING IN AN AREA FOR WHICH THEY ARE NOT LICENSED. THEY ARE FURTHER ORDERED TO PAY A FINE IN THE AMOUNT OF \$200.00, SAID FINE TO BE PAID WITHIN 60 DAYS OF RECEIPT OF THIS FINAL DECISION AND ORDER.

Lower Boise River Floatboating Petition: The Director reviewed the status of the petition submitted for evaluating establishment of commercial floatboat opportunities on the lower Boise River between Garden City and the Caldwell municipal limits. Numerous meetings have been conducted with the Ada and Canyon County Commissioners, Idaho Farm Bureau state office personnel, Ada County Farm Bureau, Canyon County Farm Bureau, Idaho Water Users Association, various state legislators, and a public open house in Star, Idaho. Numerous issues and concerns have been identified and discussed during this lengthy process, including safety, liability, overcrowding, commercialization, hazards, natural qualities of the river, promotion of safe river use and etiquette, interpretive educational benefits, etc. Several Board members have participated in these meetings over the last twenty-two months as the analysis has continued. Following this review and discussion, MSC (Swift—Lyon) TO ACCEPT THE REPORT AND RECOMMENDATION OF THE DIRECTOR AND APPROVE THE ESTABLISHMENT OF TWO COMMERCIAL FLOATBOATING OPPORTUNITIES ON THE BOISE RIVER BETWEEN THE GARDEN CITY AND CALDWELL MUNICIPAL CITY LIMITS. FURTHER, BOARD DIRECTOR AND LEGAL COUNSEL ARE INSTRUCTED TO BEGIN PROMULGATION OF AN APPROPRIATE TEMPORARY AND PROPOSED RULE ADDRESSING THIS NEW AUTHORIZED ACTIVITY ON THE BOISE RIVER. SAID RULE WILL BE PREPARED FOR BOARD REVIEW AND CONSIDERATION AS SOON AS PRACTICABLE.

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

Gary Towle: Mr. Towle appeared before the Board to discuss his concerns with a new outfitter proposal that is being submitted to the Board for review. The new applicants, William and Katherine Wise, dba: Steamboat Creek Outfitters, also attended the meeting, as well as Mr. Ed Wessman, Acting District Ranger from the Idaho City Ranger District. The basic premise of the Wise's proposal is to offer trailrides in the vicinity of Idaho City along with the establishment of an equestrian center including a riding arena and overnight accommodations for horses. Mr. Towle has been licensed for trailriding activities on National Forest lands in the Idaho City area for approximately nine years. Mr. & Mrs. Wise thoroughly reviewed their preliminary operating plan and explained how they hoped to operate and expand their recreational program to eventually include backpacking trips, rock climbing, mountain bike touring, photography trips, and incidental fishing. Following this review and helpful discussion with Mr. Towle and Mr. Wessman, and because the Wise's license application has just been received, the Board recommended that evaluation of their proposal proceed and a decision be rendered as soon as possible.

Niles Fabyn Hanson – Guide License Application: A teleconference session was conducted with Mr. Hanson to review an earlier denial of his 1998-99 guide license application for employment with Hyde Outfitters. The original denial was based on Mr. Hanson's conviction for violating IDFG fishing regulations in 1997 and not acknowledging this fact on his application. Further review and discussion established that Mr. Hanson claimed that he had misunderstood the question on the application pertaining to any past convictions. Following this discussion and review of his file, MSC (Hunsucker—Bernt) TO UPHOLD THE ORIGINAL DENIAL OF MR. NILES FABYN HANSON'S 1998-99 GUIDE LICENSE APPLICATION. HOWEVER, FUTURE GUIDE LICENSE APPLICATIONS WILL BE ACCEPTED AND CONSIDERED.

American Safety and Health Institute (ASHI): The Board reviewed a first aid curriculum program offered by ASHI. Director Sangrey had earlier evaluated the program and suggested that it appears to be a comprehensive program of first aid and safety instruction including CPR. Bill Bernt inquired about the possibility that part or all of the instruction program might be available on video. He offered to contact the ASHI directly to inquire on this. Following this discussion, MSC (Swift—Lyon) TO APPROVE THE ASHI FIRST AID COURSE OF INSTRUCTION AS AN ACCEPTABLE PROGRAM WHICH MEETS OR EXCEEDS THE MINIMUM STANDARDS REQUIRED FOR OUTFITTER AND GUIDE LICENSING IN IDAHO.

Meeting recessed at 5:00 PM and reconvened at 8:30 AM Wednesday, February 24, 1999, with all members present.

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Neil King, Superintendent, Hagerman Fossil Beds: The Director reported on his recent meeting with Mr. King at the Hagerman Fossil Beds National Monument. Mr. King has been talking with several of the licensed powerboat outfitters on the SN8 (Lower Salmon Falls to Bliss Dam) section of the Snake River about their possible interest in conducting licensed excursions at the Monument. Potential tours could involve interpretive programs and instruction provided from vessels on the river as well as land-based hikes on established trails within the boundaries of the Monument itself. Further discussions are planned to include the affected outfitters and representatives of the National Park Service, IOGLB, IOGA, and possibly the BLM and Idaho Department of Fish & Game. The Director will continue to coordinate with Mr. King on this potential outfitting opportunity.

Victor Frederickson: The Board reviewed the outfitter license renewal application submitted by Mr. Frederickson for his 1999-2000 license. His license privileges were suspended in 1998 for filing false information with the Board relative to his renewal application at that time. He has submitted a current first aid certification along with the required use reports and license renewal application. He has not provided proper documentation showing intent by the Bonners Ferry Ranger District to issue him a special use permit for his assigned operating area. Following a discussion of this matter, the Board instructed the Director to monitor the situation to see what action the Forest Service plans to take. Mr. Frederickson will be advised.

Kerry Brennan, dba: Rapid River Outfitters: The Board reviewed a letter received from LuVerne Grussing, BLM Cottonwood Resource Area, informing Mr. Brennan that his use permit was placed on probation because of alleged violations of his permit guidelines during the 1998 season. After reviewing this information the Board determined that no action is required relative to his outfitter license issued by the IOGLB.

York (Wally) & Son, Inc., John Law, Designated Agent: Director Sangrey reviewed the licensing evaluation conducted into the purchase of the York & Son outfitter business by Mr. Law. Several issues involving alleged multiple violations of Fish & Game regulations were addressed by the Director in late December in preparation for approving the sale and transfer of the outfitter business to Mr. Law. The pending charges were ultimately dropped and action to approve the sale and issue the new license was subsequently concluded.

Payette River and Salmon River Licensing Opportunities: The Director reported on the advertisements and public application procedures that have been initiated for an outfitted floatboat opportunity on the Grandjean section of the South Fork of the Payette River and opportunities that are also available on the Upper Salmon River between Challis and Iron Creek and Iron Creek and North Fork. The application periods for both rivers are open until the month of March and consideration of any licensing proposals will be conducted during the April meeting of the IOGLB.

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Van Edgar Johnson: The Board discussed the 1998-99 guide license application submitted by Mr. Van Johnson for employment with Justin Wright. The Director shared information with the Board relative to Mr. Johnson's past history of numerous game violations in Utah and Colorado and informed them that the application will be denied based on this information.

IOGA Spring Meeting – April 8-10, Salmon, Idaho: The Board discussed preliminary plans for attendance at the IOGA spring meeting. Tentative arrangements will be made for all members to participate in at least part of this meeting in Salmon. The Director will inform IOGA staff.

Lower Salmon River Recreation Area, Vinegar Creek to Hammer Creek, BLM Management Plan Review: The Board reviewed the Final Revision of the River Management Plan submitted by the Cottonwood Resource Area for the BLM. Of particular concern to the Board was the somewhat confusing language included in the proposed management action relating to use-date changes, modification of take-out locations, and numbers of authorized outfitter licenses on SA7B. Following lengthy discussion trying to interpret exactly what is proposed in the recommendations, the Board concluded contact should be made with LuVerne Grussing to obtain more explanation and inform him of the concerns the Board has with the suggested changes to the plan.

Markus Phipps: Mr. Phipps appeared before the Board to present his recommendations for consideration of outfitter licensing for fly fishing excursions on the South Fork of the Boise River below Anderson Ranch Dam. Mr. Phipps detailed his view of the potential for providing a limited, quality commercial fly fishing opportunity on this river section and asked the Board to consider opening the section for commercial licensing. Chairman Crane explained the history behind licensing consideration on the South Fork and described how the potential opportunity came to be considered in the first place about eleven years ago. Neither the U.S. Forest Service or the Idaho Department of Fish & Game supports the concept of allowing commercial operations on this special regulation section of the river. The stretch is managed by the IDFG as a quality trout fishery and significant concerns have been expressed over the years about encouraging additional pressure on the resource by having businesses operate in the canyon. The Board recommended that Mr. Phipps work on educating sportsman clubs, resource managers, legislators, and private users on the positive aspects of his approach to this endeavor and then report back to the them.

Grant Simonds, IOGA Executive Director: Mr. Simonds discussed several industry-related topics with the Board, including plans for the Association spring meeting, outfitter allocation in controlled hunts, and his position on the South Fork Boise River proposal.

April IOGLB Meeting: Director Sangrey suggested there are a number of significant outfitter related issues pending around the state that could be appropriately addressed by the Board if they were to take a meeting on the road. After thorough discussion, it was

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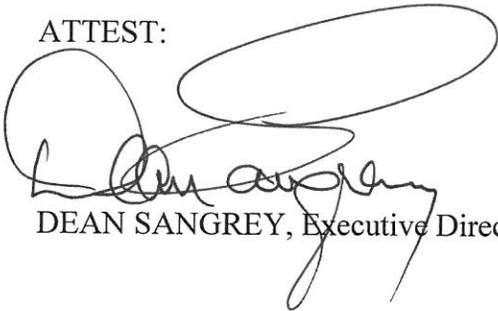
recommended that the April 26-28 regular meeting of the Board be conducted in Lewiston. The Director will make the necessary arrangements.

With no further business to come before the Board the meeting was adjourned at 1:30 PM.



DIANA SWIFT, Chairman

ATTEST:



DEAN SANGREY, Executive Director