

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

**APPROVED MINUTES**

**November 30 – December 1 & 2, 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 8:18 AM, Tuesday, November 30, 1999, in the Boardroom, 1365 North Orchard, Boise, Idaho. Board Chairman Diana Swift, and members Wayne Hunsucker, Ray Lyon, Bill Bernt and Scott Farr were in attendance. Also present were Executive Director Dean Sangrey, Education/Law Enforcement Agent Lynn Bowerman, and Board Counsel Steve Scanlin.

**EXECUTIVE SESSION:** In accordance with the provisions of §67-2345, Idaho Code, MSC (Hunsucker-Farr) THAT THE BOARD GO INTO EXECUTIVE SESSION AT 8:19 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Lyon-Bernt) TO COME OUT OF EXECUTIVE SESSION AT 9:10 AM, WITH NO DECISIONS MADE.

**Staff Reports – Dean Sangrey, Executive Director: Personnel** – The Director reported on the status of part time and seasonal employees that have been working for the agency. He also provided an update on the status of the Education/Law Enforcement Bureau with the departure of former supervisor Bill Vetesy who resigned on September 14. An in-depth review of the Supervisor, Education/Law Enforcement job description was coordinated by the Director with Board members, Board Counsel Steve Scanlin, and personnel from the Idaho Division of Human Resources (DHR). At the conclusion of this review and upgrade of the job responsibilities for the position, the job vacancy announcement was published by DHR. The application deadline was November 26 and DHR should be able to report on the total number of applications received by today. A preliminary screening of job applications is scheduled for Friday, December 3, and DHR has requested assistance from the Licensing Board members in conducting this initial review. Diana Swift and Ray Lyon volunteered to assist with the screening. It will commence at 8:30 AM on December 3. **Licensing Status** - The Director presented a report on the current status of Board licensing activities. As of November 24, 1999, the office has issued 409 outfitter, 276 designated agent, and 2,174 guide licenses. These totals compare to 412, 267, and 2,022, respectively, for the same period in 1998. **Budget** - Director Sangrey presented an update on the status of the Board's operating budget for FY2000 through the end of October. Expense and revenue projections are on target for the second quarter, and the free fund balance stands at \$151,388 as of the end of October. The proposed budget for FY2001 has been tentatively approved by both the Governor's Division of Financial Management office and the Legislative Budget Office. The Governors recommendation is for a budget of approximately \$427,300.

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**Steve Scanlin, Board Counsel – Rich Cook** - Mr. Scanlin updated the Board on the status of the Rich Cook appeal. A hearing was conducted in October to consider establishment of appropriate reimbursement charges for the affected clients in the case. Additional research is being pursued by Board Prosecutor Steve Tobiason regarding accepted norms for certain routine expenses associated with outfitted hunting trips. This information will be reported to Hearing Officer Jean Uranga. **Epley's, Inc.** – No formal contact has been received from Mr. Epley or his legal counsel regarding the suspension and pending revocation of the land based horse operation portion of his outfitter business. Discussions will continue with the Payette National Forest with regard to the potential for determining relicensing and permitting of the operating area. **New Board rules and legislative changes** – The Board's proposed amended rules package has been forwarded by the Division of Administrative Rules to the Legislative rules review sub-committees. Director Sangrey expects to be contacted soon about an appointment to meet with them to discuss the proposals. The Board's proposed legislative amendments have been accepted for pre-filing and are positioned for appropriate legislative committee assignment when the legislature reconvenes in January. **Retirement Status For Education/Law Enforcement Supervisor Position** – Mr. Scanlin reviewed the past history of efforts to have this Board classified position upgraded to properly reflect its law enforcement status in the Public Employee Retirement System. After further discussion, MSC (Lyon-Hunsucker) TO PURSUE THIS RECOGNITION AND UPGRADE THROUGH THE PROPER CHANNELS WITH PERSI.

**Lynn Bowerman, Board Enforcement Agent** – Mr. Bowerman and Director Sangrey presented an education/law enforcement report to the Board for the period since Mr. Vetesy resigned in September. With significant assistance from Mr. Bowerman the Board continued with efforts to monitor outfitted operations during the fall hunting seasons with the following results: approximately 47 licenses were checked; 15 new cases were opened consisting of 10 on licensed outfitters, 3 involving unlicensed outfitters, one undetermined status, and one case was ascertained to be unfounded. An older ongoing case against an unlicensed outfitter in Teton County is continuing with felony warrants and a search warrant pending. Numerous patrols were conducted over the last 90 days, including trips to Elk Summit, the Henry's Fork and Henry's Lake, the Selway Zone, Red River/Elk City Ranger District, on the St. Joe River, Elk River and the Clearwater Region, Chamberlain Basin, and the East Fork of the Salmon River. Total man-hours compiled for this period amounted to approximately 593.

The Board recessed for lunch at 12:50 PM and reconvened at 1:45 PM with all members present.

**John Heimer, Boise River Tours:** Mr. Heimer requested an appearance before the Board to report on the results of his first season of operation on the newly licensed Lower Boise River (BO2) section for recreational floating. For his first season he feels his volume of activity was very satisfactory. Combined with his trips conducted on the Barber to Ann Morrison section of the river within the Boise city limits, he is very

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encouraged for future activities in the area. He has purchased a second raft for Boise River Tours and expects to be even busier next year.

**Dale Denney, Show Cause Hearing:** Mr. Denney appeared before the Board in a show cause hearing to answer charges of alleged unethical/unprofessional conduct and breach of contract. These charges developed as a result of investigation into complaints filed with the Board by clients of Mr. Denney's. Jeff Adams testified by telephone on behalf of the Board as to his knowledge of the issues in the case. At the conclusion of testimony and discussion of the facts in the case, MSC (Farr-Bernt)(Swift-aye, Hunsucker-aye, Lyon-nay, Bernt-aye, Farr-aye) TO FIND MR. DENNEY GUILTY OF VIOLATION OF BOARD RULES AND THAT HE BE FINED IN THE AMOUNT OF \$100 AND ORDERED TO PAY RESTITUTION TO THE BOARD IN THE AMOUNT OF \$500 TOWARD THE PROSECUTION COSTS FOR BRINGING THIS ACTION.

**Larry Rivera, Denial Hearing:** Mr. Rivera appeared before the Board in a denial hearing regarding his application for a 1999-2000 guide license to work for Mr. Mark Henderson. Mr. Rivera was convicted for violating IDFG bear baiting laws in 1998 and did not acknowledge this fact on his application for a license. Following review of these facts and a thorough discussion, MSC (Lyon-Farr) TO APPROVE THE ISSUANCE OF AN UNRESTRICTED GUIDE LICENSE FOR MR. RIVERA.

Meeting recessed at 5:45 PM and reconvened at 8:15 AM, December 1, 1999 with all members present.

**Art Griffith, Iron Horse Outfitters:** The appointed time having arrived, the Board was prepared to conduct a show cause hearing into alleged violation of IDFG and IOGLB laws and rules by Mr. Griffith. The Director informed the Board that Mr. Griffith's attorney contacted the office just prior to the meeting to advise he would be representing Mr. Griffith in this matter and that they would need a continuance until the February meeting in order to prepare his defense. The hearing will be rescheduled for a later time.

**Cascade Recreation:** Bill Bernt inquired as to the status of reported use on the new Lower Boise River (BO2) section by Cascade Recreation, one of the two new operations licensed to conduct float trips on this reach. A report to the Board indicated that Cascade had not been observed on the river during the past summer. The Director will check into this situation and report back to the Board.

**Former Dick Norris Operating Area:** The Board discussed the potential resolution of licensing and permitting decisions relating to the former Dick Norris operating area in the Selway Zone. With recent decisions by the Fish & Game Commission relating to restrictions in the Selway Zone and the initiation of a tag allocation, a resolution regarding relicensing and permitting of this operating area is crucial to a fair and reliable allocation process for distribution of the tags identified for the Norris area. As the Board works to prepare historic use figures for dissemination to the IDFG for allocation

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purposes, the Director was instructed to interpret use based on “years of use”, that is, years when there was actual use reported by an outfitter in his particular operating area. Outfitters assigned in operating areas immediately adjacent to the old Norris area are to be contacted for preliminary feedback as to possible alternatives for division or separation of the area. This work will also be coordinated with the Moose Creek Ranger District.

The Board recessed for lunch at 11:55 AM and reconvened at 1:30 PM with all members present.

**Gregg Servheen, Lonk Kuck, IDFG:** Mr. Servheen and Mr. Kuck appeared before the Board to discuss general issues relating to elk numbers and status of herds in the Selway Zone and bear, cougar and predator concerns. Interest has been expressed regarding possible sharing of hunt opportunities between outfitters in some areas of the backcountry to improve the harvest of cougar and bear in localities where predation on big game is significant. These issues will be discussed and considered further during the upcoming IOGA winter meeting in Boise during January. Representatives from IDFG will be participating during that meeting.

**Dave Glasscock, Idaho Angling Service:** Mr. Glasscock appeared before the Board along with his attorney, Mr. Paul Butler, to discuss his pending amendment request to add some additional fishing opportunities to his outfitter license on Mormon Reservoir, Loving Creek, Grove Creek and Stalker Creek, and also to raise or eliminate the use day restriction on his license. Mr. Glasscock cited several reasons for his interest in adjusting his operations. The fishing opportunities in the Little and Big Wood drainages, Little Lost and Big Lost drainages, and Silver Creek and its tributaries, are all experiencing increased public pressure during a larger portion of the year. In apparent response to these increased activities the IDFG has expanded the fishing seasons in many of these areas and Mr. Glasscock feels there is a like expansion of interest and need from the fishing public who want and need the services of licensed outfitters and guides. At the conclusion of this discussion, MSC (Farr-Hunsucker) TO APPROVE THE ADDITION OF CERTAIN TRIBUTARIES TO SILVER CREEK ONLY UPON SUBMISSION OF SIGNED APPROVALS FROM APPROPRIATE LAND OWNERS, AND THAT THE USE DAY RESTRICTION PLACED ON HIS ORIGINAL LICENSE BE REMOVED. THIS APPROVAL DOES NOT INCLUDE MORMON OR MAGIC RESERVOIRS AS THERE ARE NO OPENINGS CURRENTLY AVAILABLE.

**Fred Dauber, District Ranger, Krassel Ranger District:** Mr. Dauber has requested that the Licensing Board print a correction in the official minutes of the Board proceedings relating to a misleading statement that appeared in the August, 1999, draft minutes of the Board meeting. He appeared before the Board at that time to discuss several forest service related issues, including concerns that Tuck Miller, dba: T. Avery Outfitters, might possibly be outfitting without appropriate permits on the South Fork of the Salmon River and a portion of Big Creek. Following his comments at the August meeting, Mr. Dauber was contacted by Mr. Miller and their ensuing conversations served

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to clarify that in fact T. Avery Outfitters has had a proper permit on a section of the lower South Fork. Mr. Dauber has apologized to Mr. Miller for the confusion and requested that this clarification be properly noted in the Board minutes.

Meeting recessed at 6:00 PM and reconvened at 8:15 AM, December 2, 1999 with all members present.

**James McCarthy, Denial Hearing:** Mr. McCarthy appeared before the Board in a hearing to address the denial of his 1999-2000 guide license application for employment with Evelyn Kaide, Clearwater Drifters, in Orofino, Idaho. Mr. McCarthy was represented by his attorneys, Mr. Joe Jones and Mr. David Hammerquist, and was also accompanied by Ms. Kaide. His license application was originally submitted in September, 1999. The IOGLB conducted a routine review of his application and determined that he had a record of numerous convictions for violation of IDFG laws dating back over more than ten years. This record included: June 1988, plead guilty to exceeding the bag and possession limit, paid \$10.50 fine; October 1988, plead guilty to hunting migratory birds with an improperly plugged shotgun, no disposition available; October 1989, plead guilty to failing to validate a deer tag, paid \$100 fine; December 1994, plead guilty to exceeding the bag limit of migratory birds, paid \$600 fine, hunting privileges suspended for two years; January 1995, plead guilty to hunting during a closed season, paid \$150 fine; September 1997, plead guilty to purchasing a Sportsman's Package while his privileges were suspended, paid \$201 fine, hunting and fishing privileges suspended for two years, 25 hours of community service. Two additional citations from June 1997 had been dismissed and were not considered. Based on this past history, Director Sangrey denied the license application. Under provisions of the Idaho Administrative Procedures Act, Mr. McCarthy was entitled to appeal this decision and request a hearing before the Board. His request was received and a hearing scheduled for this time. Mr. McCarthy, with the assistance of his counsel, presented his explanation of the issues raised relating to his IDFG violation history. In each instance he presented an accounting of the circumstances from his point of view regarding the violations. Idaho Conservation Officer Matt Erickson was contacted by telephone at this time, as he was involved with the investigation into the purchase of the Sportsman's Package. He provided background into the details of the incident and explained the Department's interpretation of the applicable law. At the conclusion of this lengthy hearing, MSC (Farr-Bernt)(Swift-nay, Hunsucker-aye, Lyon-nay, Bernt-aye, Farr-aye) TO APPROVE THE ISSUANCE OF A 1999-2000 GUIDE LICENSE FOR MR. JAMES MCCARTHY BUT WITH PROBATIONARY RESTRICTIONS. THE PROVISIONS OF THIS PROBATION ARE: 1) THE TERM OF PROBATION WILL BE FOR FIVE (5) YEARS; 2) DURING THE TERM OF PROBATION, MR. MCCARTHY MUST NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS OR ORDINANCES; AND 3) NO AMENDMENTS WILL BE CONSIDERED FOR MR. MCCARTHY'S GUIDE LICENSE DURING THE TERM OF PROBATION WITHOUT A PERSONAL APPEARANCE BEFORE THE BOARD TO REVIEW THE REQUEST. FOLLOWING THE PASSAGE OF THE MOTION, BOARD MEMBER RAY LYON REQUESTED

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THAT HIS STRONG DISAGREEMENT WITH THIS BOARD ACTION BE NOTED FOR THE RECORD. HE FURTHER STATED THAT HE FELT THIS DECISION WAS RIDICULOUS AND THAT IT WOULD DESTROY TRUST IN THE LICENSING BOARD. CHAIRMAN SWIFT CONCURRED WITH MEMBER LYON. THEY BOTH EXPRESSED SIGNIFICANT CONCERNS ABOUT THIS DECISION AND HOW IT WOULD AFFECT THE CREDIBILITY OF THE LICENSING BOARD.

**Brietta Sjostrom:** Ms. Sjostrom appeared before the Board in a hearing to address the 1998 denial of her guide license application. She applied at that time for a license to work for Mackay Wilderness River Trips as a river guide. She had previously been convicted for violating IDFG laws for fishing for steelhead without a valid permit. Her reason for appearing before the Board at this time was to address this matter now and try to clear things so that she can be considered for a guide license this coming season. Following a discussion and hearing Ms. Sjostrom's explanation of the circumstances, MSC (Lyon-Farr) TO INSTRUCT THE DIRECTOR TO CONSIDER FUTURE LICENSE APPLICATIONS SUBMITTED BY MS. SJOSTROM FOR EMPLOYMENT AS A GUIDE IN IDAHO.

**Idaho Fish & Game Commission:** The meeting was recessed for lunch at 11:30 AM so that the Board could meet informally with the Idaho Fish & Game Commissioners, who were also in session this week in Boise. During lunch the Board and Commission discussed various issues dealing with tag allocation, outfitted turkey hunting, and private land access.

The Board meeting reconvened at 2:00 PM with all members present.

**Brian Hopkins, Landowners Co-Op Hunting Club:** The Board talked with Mr. Hopkins by telephone as he was unable to travel to Boise for his scheduled appointment. He is interested in obtaining a final decision from the Board relative to his application for an outfitter license. He operates a closed-membership hunting club in portions of eastern Washington and north central Idaho, said closed membership club being exempt from outfitter licensing requirements under Idaho law. He has, however, applied for a license from the Board feeling that he can more adequately serve the interests of his club members and offer a more diverse experience for them if he is licensed by the state. In interpreting the various elements of his license application, and acknowledging the concerns about his proposal as expressed by the IDFG in the Clearwater Region, the Board feels the various parcels of private land proposed for licensing are not suitable for a viable outfitted service. In their view, Mr. Hopkins' application is inadequate and incomplete. Following this discussion with Mr. Hopkins and a review of the available information, MSC (Hunsucker-Lyon) THAT THE OUTFITTER LICENSE APPLICATION FOR MR. HOPKINS BE DENIED AND THAT HE BE ADVISED TO STOP ALL ACTIVITIES RELATED TO OUTFITTED SERVICES, SUCH AS SOLICITATION OF CLIENTS AT SPORT SHOWS. IT IS ACCEPTABLE, UNDER PRESENT BOARD STATUTES AND RULES, TO TRANSPORT CLUB MEMBERS

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TO THE PRIVATE LAND PARCELS FOR WHICH THE LANDOWNERS CO-OP HUNTING CLUB HAS SIGNED APPROVAL FOR ACCESS, BUT TO OFFER NO OTHER OUTFITTING TYPE SERVICES.

**Lonnie Henriksen Bighorn Sheep Hunt:** During the course of the IOGLB Board meeting on Wednesday and Thursday, December 1 & 2, various faxed communications were received at the Board office related to an incident involving alleged harassment of a hunter during a controlled bighorn sheep hunt in Owyhee County in October, 1999. Some of the information intimated that the alleged activities may have involved unlicensed outfitting and guiding. This information was reviewed by the Board and the Director was instructed to appropriately acknowledge receipt of same.

**Advertised Vacancies For Outfitted Bear and Cougar Hunting Opportunities in IDFG Mgmt Units 33 & 39:** The Director reported to the Board on the status of the advertised vacancies for bear and cougar hunting in the Garden Valley/Idaho City areas. The application deadlines for two of the three opportunities will end on December 13<sup>th</sup> and 17<sup>th</sup> and then the proposals will be prepared for Board evaluation and selection. It was suggested that a special meeting of the Board should be scheduled in conjunction with the IOGA winter meeting in January and that this would be the most opportune time to conduct this review of the applications for these vacancies.

**Job Applicant Interviews:** The DHR has informed the Board that 38 applications were received for the Education/Law Enforcement Supervisor position. At the conclusion of the initial screening of the applications, those making the "short list" will be evaluated by the Director and the finalists will be invited to attend an informal "open house" on the evening of December 9 beginning at 5:30 PM. The purpose of this open house is to provide the Licensing Board members an opportunity to meet the finalists and have a chance to get to know them. Final interviews and selection will be conducted by the Director the following day.

**IOGLB Member Selection and Performance Questionnaire:** Chairman Swift presented the compiled responses from the survey questionnaire to the Board. Generally it appears while there is a high level of satisfaction with the thoroughness of the process that the IOGA uses to select candidates for IOGLB appointment, there is also a strong feeling that all licensed outfitters should have an opportunity to be represented in the process. The compilation was developed reflecting just the raw data from the results of the returns to the survey. After reviewing the information, the Board recommended that the information be forwarded to Lt. Governor Otter as is, perhaps with a cover letter from the Chairman.

**August Board Meeting Minutes:** The Board reviewed the minutes of the August Board meeting and following this review, MSC (Hunsucker-Lyon) TO APPROVE THE MINUTES AS PRESENTED, INCLUDING THE ENTRY FOR THE SPECIAL MEETING CONDUCTED ON SEPTEMBER 30, 1999.

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**Executive Director Special Actions:** The Board reviewed the special licensing actions approved by the Director since the close of the June Board meeting. These included probationary licenses approved for Bryan Lowe and Raymond Whalen, and outfitter licenses approved for William Wise, Adventure Treks, Inc., Don Vogel, Granite Creek Outfitters, Kevin Johnson, and Bruce Bradley. Following these reviews and discussions, MSC (Farr-Hunsucker) TO APPROVE THE SPECIAL ACTIONS TAKEN BY DIRECTOR SANGREY.

**ProSafe, Professional Safety Training, LLC:** The Director reviewed the elements of a first aid training course recently developed by ProSafe in Melba, Idaho. He has visited with Katherine Baldwin, Owner/Manager of ProSafe, and feels that the course of instruction they provide adequately meets the requirements of the Licensing Board as being comparable to the American Red Cross Standard First Aid instruction. Following this discussion, MSC (Hunsucker-Lyon) TO ACCEPT THE DIRECTOR'S RECOMMENDATION AND APPROVE THIS COURSE FOR ACCEPTABILITY FOR OUTFITTER AND GUIDE LICENSING.

**Financial Report:** The Director reviewed the details of the current financial condition of the Board's operating budget. At the conclusion of this review, MSC (Hunsucker-Bernt) TO APPROVE THE FINANCIAL REPORT AS PRESENTED.

**Turkey Hunting:** The Board had a general discussion regarding turkey hunting considerations and what action, if any, should continue to be pursued. Based on the present significant numbers of turkeys throughout the state and reported detrimental impacts caused by these large numbers, Scott Farr suggested another attempt be made to encourage the IDFG to support some form of outfitted hunting at least in certain areas. He recommended that the Board endorse an approach to licensing that any approved license would only be valid on lands open to the general public. This position will be communicated to the IDFG.

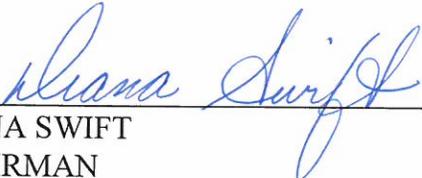
**Lewis & Clark Bicentennial Celebration:** The Director reported on a meeting he attended in Kamiah with various representatives from the Clearwater National Forest. The focus of the meeting was to review the planning that is being pursued relative to the upcoming multi-year Lewis & Clark Bicentennial Celebration on the Lewis & Clark Trail and the Lolo Motorway. Forest Supervisor Jim Caswell and his staff presented an overview of their significant plans for the celebration period and how they envision incorporating needed services from outfitters and guides in the area. They plan to conduct meetings with various local outfitters who are currently operating in the vicinity of the Motorway to get their input and suggestions about the plans for service providers during this time. One element being considered for possible authorization is individuals who would serve as ride-along interpreters for groups or independent travelers who just want someone to travel with them in their vehicle and point out the significant elements of the journey. The Board agreed that individuals providing those kinds of services

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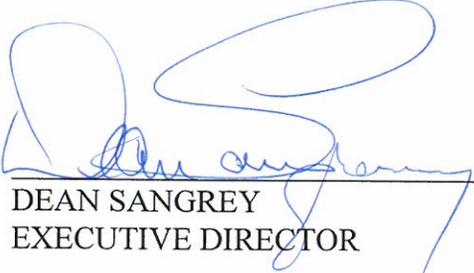
would very likely fall under the purview of the Outfitters and Guide Act and be required to have a license. Initially, each of those cases would have to be considered on its own merits. It was also the recommendation of the Board to the Forest Service that every effort should be made to utilize the services of existing outfitter operations first and to the maximum of their capacities before creating new, additional opportunities for outfitting businesses that would exist only as long as the Bicentennial Celebration was extant.

The next regularly scheduled meeting of the Board will be held on February 28 thru March 2, 2000.

With no further business to come before the Board, the meeting was adjourned at 5:30 PM.

  
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DIANA SWIFT  
CHAIRMAN

ATTEST:

  
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DEAN SANGREY  
EXECUTIVE DIRECTOR