

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

**Special Board Meeting
January 8, 2000**

**(Key: MSC = Motion made, seconded, carried)
(MSF = Motion made, seconded, failed)**

A special meeting of the Idaho Outfitters and Guides Licensing Board was called to order at 8:10 AM, Saturday, January 8, 2000, 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, and Board Counsel Steve Scanlin.

Consideration of Advertised Vacancies: Chairman Swift opened the meeting and explained the general parameters to be followed for the interviews and consideration of applications for the vacancies for bear and cougar hunting in the Middle Fork/North Fork Boise River, Packer John/Garden Mountain, and Boise Basin opportunities. All applicants were present and included Ron Sherer, Tuck Russell, Chris Korell, Darl Allred, and Del Allmon. The Board first addressed the Middle Fork/North Fork Boise River opportunity. Ron Sherer, Darl Allred, Tuck Russell, and Del Allmon each presented an overview of their proposals for the hunting opportunity in the area bordered on the east by the Middle Fork of the Boise River and on the west by State Highway 21. The next area considered was the Packer John/Garden Mountain operating area which consists primarily of Idaho Department of Lands property north of the South Fork Payette River on Garden Mountain and south of the South Fork Payette River in the vicinity of Kelly Creek and Deer Creek. This area is also intermingled with some Bureau of Land Management lands on both sides of the river. Tuck Russell and Darl Allred were the only applicants for this parcel. Each presented their views of the potential this additional area could have for their operations. The third and final area under review was the proposed Boise Basin operating area situated essentially north and west of Idaho City. This area consists of a variety of intermingled land ownerships including Boise National Forest, Bureau of Land Management, Idaho Department of Lands, Boise Cascade Corporation, and other private holdings. Chris Korell and Darl Allred submitted applications for this opportunity. They each explained their particular interest in providing hunting services in the area and discussed the background leading up to the application process for the area. At the conclusion of the interviews and response to questions and inquiries from all parties, the application review process was concluded. The Board plans to finish evaluation of all applications and make a licensing selection for each opportunity before adjournment of the meeting today.

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Selway and Middle Fork Zone Elk Tag Allocation: Board member Scott Farr presented the results of research he completed from direct contacts with each of the outfitters licensed in the Selway Zone and Middle Fork Zone. His inquiries dealt with the tentative numbers being compiled by the IOGLB staff for establishing historic use calculations for the outfitter businesses in these zones. He contacted each of the outfitters to review their reported use figures as had been determined from their records. In a number of instances, the records reflect no use for some years and it was difficult to ascertain why there would have been no activity. This research revealed some years were deliberately inactive due to fires, biological wildlife issues, or individual outfitter determinations based on personal issues, etc. In other situations, no record existed regarding actual use and this was caused by lack of effort to report, change in ownership of the business which may have caused non-use because of the timing of the transition, or inability of staff to contact the previous operator because of their whereabouts, etc. After reviewing the results of these calculations and the interpretation of the IDFG and IOGLB rules regarding allocation and historic use determination, the Board concurred that 1) the historic use is to be determined by calculating the last five years of actual use, and because of the aforementioned potential extenuating circumstances, any legitimate vacant use year will be filled with the qualified actual use determined for the most recent past year beyond five years (to a maximum 10 years previous); 2) the averages calculated for historic use will be considered a "rolling five year average", that is, each successive year of operation and reported use will be added to the historic calculation, dropping the oldest, or fifth year, each time; 3) the calculations for historic use in vacated operating areas that have one or more years of non-use, based on the lack of a licensed and permitted outfitter in the area, will be determined by going back prior to the last five years of operation to identify actual reported use for as many unreported years as necessary; 4) calculated numbers will be rounded down for decimals of .4 and below and rounded up for decimals of .5 and above; and 5) situations determined by the IOGLB to be legitimate hardships will be considered on their individual merits for possible adjustment, either up or down. Marvin Gregg, representing Cheryl Bransford, dba: Meadow Creek Outfitters, appeared to register a formal request for hardship consideration. He stated that they intentionally did not take any hunter clients during the 1997 season because conditions were not ideal at the time and they talked with then Board Chairman Leo Crane and Executive Director Dean Sangrey and were assured that this type of non-use would not adversely affect their ongoing historic use calculations. The Board also reviewed a written request for hardship consideration from Horse Creek Outfitters based on substantiated problems they had experienced for several years because of fires in and near their operating boundary. When the final calculations are completed for the historic use in the Selway and Middle Fork Zones and a final determination made by the Fish & Game Commission on acceptable allocation numbers, the Director will prepare a written notification to each qualified outfitter informing them of their approved tag allocation. They should be asked to verify the numbers and sign and return a certification stating their acceptance of the allocation results. At the conclusion of these discussions, MSC (Farr-Hunsucker) TO ACCEPT THE ADJUSTED CALCULATIONS FOR ESTABLISHMENT OF HISTORIC USE FIGURES FOR

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OUTFITTERS IN THE SELWAY AND MIDDLE FORK ZONES, BUT ACKNOWLEDGING THAT SOME MINOR ADJUSTMENTS MAY STILL BE MADE AS EXTENUATING CIRCUMSTANCES ARE CONSIDERED AND RESOLVED.

Dick Norris, Moose Creek Outfitters, Vacated Operating Area: The Board discussed the history and background of the current status of the former Moose Creek operating area. Based on the fact that the outfitter license and Forest Service special use permit were revoked in 1996 and there hasn't been any reportable use in the area since 1995, it is the IOGLB's official position and recommendation that historic use for the area be calculated using the verifiable reported use from official use records submitted prior to and including the 1995 season for the Moose Creek area. As a result of this discussion, MSC (Lyon-Farr) TO ACCEPT AND APPROVE THE RECOMMENDATIONS FOR ESTABLISHMENT OF OFFICIAL HISTORIC USE FIGURES FOR THE FORMER DICK NORRIS MOOSE CREEK OUTFITTERS OPERATING AREA.

James McCarthy Probationary Guide License: The Board reviewed the status of the James McCarthy matter. Board Council Steve Scanlin provided an interpretation of the memo he had prepared which addressed consideration of appeals of Board decisions. Wayne Hunsucker asked that the record reflect he feels strongly the decision by the Board to issue a restricted probationary guide license to Mr. McCarthy was proper. He feels the information provided regarding Mr. McCarthy's violation history, coupled with the testimony and other facts presented during the denial hearing, was, in his estimation, adequate to allow for a positive determination for licensing approval. The Board also reviewed a letter from the IOGA requesting, among other things, that the Board prepare some statistical information relative to the Board's history regarding probationary license approval and denial of guide license applications. The Director was instructed to research this background.

Grant Simonds, Executive Director, IOGA: Mr. Simonds reflected on several observations regarding the IOGLB action to approve the guide license for Mr. McCarthy, as well as other issues included in his January 8 letter to the Board. The letter stated the IOGA's encouragement for the Board to revisit their pre-filed legislation and consider pulling it from the respective legislative calendars for the upcoming session based on the anticipated fallout at the Statehouse regarding concerns that have surfaced relative to the McCarthy licensing decision. Board Council Steve Scanlin reiterated that the two issues addressed in the legislation, 1) recommending clearer language in Title 36, Chapter 21 concerning the Board's ability to issue probationary licenses under certain circumstances and 2) easing the requirements for outfitter license applicants to meet bonding stipulations in the application process, constitute important housekeeping measures that the Board has favorably considered for some time and a lot of work has gone into preparing the legislation for formal consideration and to get it appropriately prefiled. Following this discussion, MSF (Farr-Hunsucker)(Swift-nay, Hunsucker-nay, Bernt-aye, Lyon-nay, Farr-aye) TO WITHDRAW THE TWO PIECES OF PRE-FILED LEGISLATION CURRENTLY BEING PURSUED BY THE IOGLB.

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Christopher Torzala, Complaint Filed With Legislators: The Director informed the Board of a complaint that had been written by a disgruntled hunter from Wisconsin and mailed to all 105 state legislators. Mr. Torzala and three hunting companions traveled to Idaho last fall to hunt elk in IDFG Mgmt Unit #28. After harvesting three bull elk they tried to arrange to rent some pack stock from residents in the Salmon area and were improperly informed by IDFG staff and other local residents that it was unlawful for a private livestock owner to rent animals to someone for retrieval of big game. The Torzala party finally ascertained that the properly licensed outfitter in the area would legally be able to pack the animals for them, but upon requesting the assistance of the outfitter, they were informed he could not help them because of other commitments to booked clients at that time. Mr. Torzala's misguided perception that there were very restrictive laws in place preventing private citizens from providing livestock for these purposes is what prompted his communication to legislators. The Director has been in contact with Mr. Torzala and his brother Rob and satisfactorily explained the facts regarding this situation. Chris Torzala plans to submit a letter explaining his new understanding regarding Idaho law and our explanation.

Mark Henderson and David Hubanks, Granite Outfitters: The Board has recently received a petition signed by 94 people expressing their concern about the location of an assigned base camp for Granite Outfitters' hunting operation on Butler Creek near Latour Peak in IDFG Mgmt Unit 4 and the fact that an outfitter has been licensed in the area. The staff has prepared a mailing list for everyone who signed the petition and the Director plans to respond to them explaining the status of the outfitter license and the restrictions that apply to the Granite Outfitters operation.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Bernt-Farr) TO GO INTO EXECUTIVE SESSION AT 3:15 PM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Bernt-Hunsucker) TO COME OUT OF EXECUTIVE SESSION AT 4:15 PM WITH NO DECISIONS MADE.

Advertised Bear and Cougar Hunting Opportunities: The Board began the evaluation process for determining the successful applicant for each of the three advertised vacancies for bear and cougar hunting. The Director informed the Board that at the conclusion of the interviews conducted earlier in the day, Mr. Sherer informed him as he was leaving the office that he would consider negotiating with the other applicants for the Middle Fork/North Fork Boise River opportunity on a possible split in the area which incorporates the drainage from Mores Creek Summit downstream to Cottonwood Creek along State Highway 21. Upon being informed of this offer from Mr. Sherer, the Board directed that the applications submitted for this vacancy by Mr. Del Allmon and Mr. Tuck Russell be rejected and that Mr. Darl Allred be advised of the opportunity created by Mr. Sherer for negotiation in this area. A final Board determination on this licensing opportunity will be delayed until a decision is reached on these negotiations. At the conclusion of evaluation grading for the other two vacancies it was determined that Tuck Russell, Three Forks Safaris, was the most qualified applicant for the Packer John/Garden

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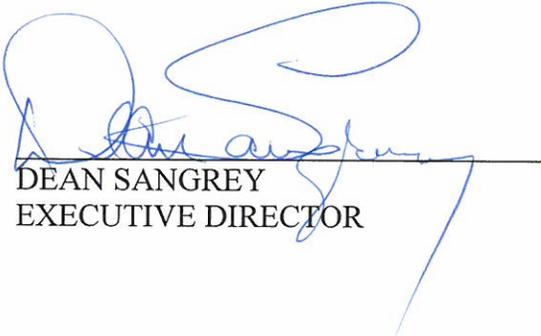
Mountain hunting opportunity, and Chris Korell, Korell Outfitters, was the successful applicant for the Boise Basin opportunity.

Jerry Jeppson: The Board directed that the Director initiate an investigation into the use reported by Mr. Jeppson relative his hunting activities over the last several years. Some concerns have materialized as a result of the research conducted into the historic use calculations for the Selway and Middle Fork Zones.



DIANA SWIFT
CHAIRMAN

ATTEST:



DEAN SANGREY
EXECUTIVE DIRECTOR