

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

**APPROVED MINUTES  
February 28 – March 2, 2000**

**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 8:10 AM, Monday, February 28, 2000 in the Boardroom, 1365 North Orchard, Boise, Idaho. Board Chairman Diana Swift, Vice Chairman Wayne Hunsucker, and members Ray Lyon and Scott Farr were in attendance. Board member Bill Bernt's arrival was delayed until later in the day. Also present were Executive Director Dean Sangrey, Education/Law Enforcement Supervisor Chadd Harbaugh, and Board Counsel Steve Scanlin.

**Staff Reports – Dean Sangrey, Executive Director: Licensing Status** – The Director reported on the present status of licensing activities for the 1999-2000 season. As of February 24 the office has issued 415 outfitter, 281 designated agent, and 2,232 guide licenses. These totals compare to 421, 275 and 2,063, respectively, for the same period in 1999. **Personnel** – At present, permanent and part-time staffing is at its lowest point since last summer, although temporary staff have been hired periodically through the fall and winter as needed to assist with special projects, such as hunt allocation research, etc. Payroll budget considerations are becoming critical due to the extra manpower needs the office has experienced this past year. The Director will be closely monitoring this situation the remainder of the fiscal year. **License Renewals** – Outfitter license renewal packets were sent to all current licensees earlier this month. The materials included the renewal applications, necessary use report forms, a supply of guide license applications, general instructions for completion of the renewal, specific instructions for a modified hunter report form, a copy of the current Licensing Board Directory, and the January, 2000 edition of News & Notes, the IOGLB newsletter. **New License Format** – The Board reviewed a draft prototype of the new license format to be used starting this coming season. It will include pertinent information regarding name, address, and vital statistics of the licensee, as well as detail pertaining to areas of qualification and authorized activities, and is designed as a two-sided business card size document. All current licensees will recognize the same general information as was incorporated into the old style license but in a more user friendly layout that can be easily laminated. All 2000-2001 licenses will utilize the new format. As the Board office enters this new licensing year we will be examining several new approaches to the timing of license issuance and renewal, with consideration to staggering the renewal dates for outfitters and possible adjustments for guide license issuance, including multiple year validation. **Outfitter Tag Allocation** – The Director updated the Board on the status of tag allocation distribution calculations and statistics being prepared for submission to the

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Fish & Game Commission at their meeting this week. In addition to the extensive efforts put forth by IOGLB staff and Board members in development of this information for season setting and allocation decisions by the Commission, we also understand there may be consideration given by the Commission this week to establishing yet another special restricted hunt for deer in portions of the Middle Fork Zone. Director Sangrey expressed his deepening concern over the implications of the additional workload this would create for the IOGLB as the staff prepares to launch the annual license issuance and renewal process starting next month. He intends to inform the Commission of this concern during his comments to them during their public meeting this week. **Former Moose Creek Outfitters Licensed Operating Area** – Director Sangrey updated the Board on the status of licensing and permitting considerations for the operating area formerly assigned to Mr. Richard Norris on the Clearwater National Forest. Recent discussions with area outfitters, the Kooskia Ranger District, and the IOGLB resulted in a preliminary plan for adjustment of adjacent outfitter operating boundaries which would incorporate portions of the vacant area into several existing operations. This proposal was supported by staff from the Ranger District office and continues to be pursued with upper level staff within the Clearwater National Forest at this point in time. All concerned hope for a resolution of this matter in the near future. This decision will ultimately impact the future of allocated tag distribution in the Selway Zone and the IOGLB is concerned the final determination is taking too long. **Turkey Hunting Consideration** – The Board's concerns relative to authorization for turkey hunting opportunities were again discussed with the Fish & Game Commission during a luncheon meeting in December. The IOGLB went on record at that time as continuing to support this concept and recommending that any approval for this activity would only be valid on lands open to the general public. This position has been reiterated to the Commission in writing and the Director plans to discuss it in person before them during their public meeting this week. Board member Scott Farr expressed his concern that he feels it would not be appropriate for the Director to address the Commission in this manner during their public meeting, suggesting that any interaction between the agencies should occur during the Commission's regular meeting agenda. Director Sangrey explained he had requested time during the regular session but was informed their extremely busy schedule would probably not allow time for a discussion about outfitted turkey hunting. As an alternative, he suggested the Wednesday evening public meeting agenda, and the Commission secretary agreed that would probably work fine. Director Sangrey further explained that he has addressed the Commission during their evening public meeting in the past regarding IOGLB issues and the comments have seemed to be well received. Other members of the Board were poled and the majority agreed the Director should proceed with his plans to address the Commission on this important IOGLB and industry issue. **Personal Compensation** – Director Sangrey requested that the Board consider approving hourly compensation for his use of his home computer for completion of IOGLB related business. He has found it impossible to keep up with the myriad work responsibilities of his position without spending a considerable amount of his own time evenings and weekends working at home. He suggested compensation at the rate of \$8.00 per hour for the use of his computer, printer and scanner would be appropriate. Following this discussion, MSC (Farr-Hunsucker) TO APPROVE PERSONAL

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COMPENSATION TO DIRECTOR SANGREY FOR THE USE OF HIS PERSONAL HOME COMPUTER FOR IOGLB RELATED BUSINESS AT THE RATE OF \$8.00/HOUR.

**Steve Scanlin, Board Counsel: Rich Cook** – Mr. Scanlin updated the Board on the status of the ongoing appeal in the Rich Cook matter. The hearing in this matter was reconvened on February 13 to receive testimony relative to the alleged costs related to the conduct of a backcountry big game hunt. Rebuttal evidence was presented by two witnesses for the Board to establish estimated standards for routine expenses associated with this type of activity. As Mr. Cook was unable to attend this hearing because of work commitments, his wife Judy and their attorney, Mr. V.K. Smith, advised they would have to report these developments to Mr. Cook and obtain his comments after review. The hearing has been continued to March 10, 2000. **Darl Allred Reconsideration and Hearing Request** - Board Counsel reported that Mr. Allred's attorney, Mr. Jim Underwood, has filed a Request for Reconsideration and Hearing in the matter of the licensing amendment decisions made by the Board during the January 8, 2000 special meeting. Since the Request was received, Mr. Scanlin has been meeting with Mr. Underwood and deliberations continue at this time. **IOGLB Legislation and Rule Status** – Mr. Scanlin confirmed that the Board's pre-filed legislation, HB 397 and HB 398, have passed the House with significant majorities and been moved on to the Senate for debate. They haven't yet been scheduled in the Senate Resources and Environment Committee. The temporary and proposed rules developed last year by the Board have been reviewed by the House Rules Review sub-committee and were unanimously approved. At this point the Board should expect no significant opposition to approval from the Senate. **Legislative Proposals From Senators Grant Ipsen and Lin Whitworth** – Senator Ipsen has prepared draft legislation to modify Sec. 36-2103, Idaho Code, to clarify the language that speaks to the offering and acceptance of compensation for the use of livestock and other equipment. Director Sangrey earlier met with Senator Ipsen and suggested the Board would like to take his recommendation under advisement and consider it for possible inclusion with other IOGLB legislation for the 56<sup>th</sup> Legislative Session in 2001. Senator Ipsen concurred with this suggestion and agreed not to introduce his proposal at this time. Senator Whitworth is pursuing amending language to Sec. 36-2113 dealing with the grounds for revocation or suspension of outfitter or guide licenses. He wants the statute to further clarify that any action by a licensee that unfairly blocks access to public lands will be grounds for revocation or suspension of the license. Senator Whitworth was not receptive to a suggestion that introduction of this issue be delayed until next year to allow for additional review and dialogue. Mr. Scanlin's and the Director's initial response to Senator Whitworth was his proposal probably wouldn't cause too much problem, but the issue is already adequately addressed in other areas of the Outfitters and Guides Act. The RS has been printed and is waiting for introduction in the Senate Resource and Environment Committee. Board members expressed various concerns regarding interpretation of wording in the proposed legislation. **Legislative Proposal From The Idaho Wildlife Federation** – The IWF has approached the IOGLB with a proposal to amend statutory language dealing with the guidelines for denial or restriction of outfitter and guide licenses. Their concern

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developed in response to a probationary guide license approved by the Board at a recent meeting. As discussions developed between IOGLB staff and representatives of the IWF, an agreement was reached to pursue development of appropriate language in rule form to address IWF concerns. After two meetings a draft of tentative language was prepared and is scheduled for formal discussion with the IOGLB during this meeting. **Board Policy Review** – A draft of current and proposed IOGLB policies has been circulated to all Board members and Board Counsel has requested any comments be returned to him as soon as possible so he can update the draft and have it prepared for full Board review at the April meeting. **Class II PERSI Status For Supervisor Position** – Coordination continues at this time between IOGLB staff and the Public Employee Retirement System regarding the request for upgrading the Education/Law Enforcement Supervisor position to Class II. A dialogue has been initiated between the agencies and discussions are continuing.

**Mike Gilmore, Deputy Attorney General, Civil Litigation Division** – Mr. Gilmore appeared along with IOGLB Prosecuting Attorney Steve Tobiason, to review the present guidance and directive afforded state agencies by the Idaho Administrative Procedure Act. He explained the necessity for following the APA in all issues and efforts of the Board, including the proper conduct of Board hearings, allowing testimony, questioning witnesses, introduction of evidence, sharing reports prior to and during hearings, etc.

**New Draft Policies** - Mr. Scanlin concluded his report by briefly reviewing new policies he has recently drafted that address IOGLB action relative to the Lewis & Clark Bicentennial, amendment processing guidelines, and Board legislation. At the conclusion of these presentations on the L&C Bicentennial and amendment processing guidelines, MSC (Farr-Hunsucker) TO APPROVE THE POLICIES AS PRESENTED AND PROCEED WITH APPROPRIATE STEPS FOR IMPLEMENTATION AND/OR FURTHER RESEARCH.

**Chadd Harbaugh, Education/Law Enforcement Supervisor** – Mr. Harbaugh presented his first report to the Board since starting his job with the Licensing Board on December 21, 1999. He presented a rundown on the status of outstanding cases and the work he has accomplished on them to date. He also reviewed the current status of part-time agent and investigator employees, explaining he has recently hired two new agents. Chadd organized and conducted a successful two day training session for all enforcement staff on February 10 & 11. In this session, he discussed his view of the IOGLB's mission, new policies for the Bureau and staff, progress on grants and mutual aid agreements, ongoing training available through the POST Academy and other agencies, legal issues involving firearms, behavioral analysis interviews, risk management concerns, equipment use, inventories, and acquisition, report writing and procedures, new activity logs, and other administrative issues. Director Sangrey also contributed with presentations on personnel, payroll, and details of licensing and expense accounting procedures.

Board member Bill Bernt arrived at 10:10 AM.

The meeting recessed at 12:20 PM for lunch and to proceed to the Idaho Statehouse for Senate confirmation hearings.

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**Senate Confirmation Hearings** – Board members Ray Lyon and Scott Farr appeared for their scheduled confirmation hearings before the Senate Resource and Environment Committee. Each was introduced and provided a brief background of their qualifications and interest in serving on the Licensing Board. Questions were directed to each of them and the hearing concluded. A vote on their confirmation will take place on Wednesday, March 1<sup>st</sup>.

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

**Terry Ring, Silver Creek Outfitters:** Mr. Ring was scheduled to address the Board about his concerns with closed membership clubs and the existing exemption from licensing for those operations that exists in statute. Due to a mix-up in his schedule he is unable to appear at the meeting today and will reschedule for the April meeting.

**Darl Allred, Sawtooth Wilderness Outfitters – Request For Reconsideration and Hearing:** Mr. Allred appeared with his attorney, Mr. Jim Underwood, to discuss the formal petition for Board reconsideration of licensing decisions involving bear and cougar hunting opportunities in the Packer John/Garden Mountain, Boise Basin, and Middle Fork/North Fork Boise River (MFNFBR) areas. Mr. Ron Sherer was also present. This petition also requested that these issues be reconsidered in a hearing before a hearing officer. The first matter before the Board was to conclude the evaluation of the remaining operating area under consideration dealing with the Middle Fork/North Fork Boise River area. At the conclusion of deliberations during the special Board meeting on January 8, a potential for negotiated settlement of the MFNFBR was created by an offer from Ron Sherer, Steel Mountain Outfitters, for a possible split of the area in question. The Board directed at that time that a final determination on this opportunity be delayed to see if Mr. Sherer and Mr. Allred are able to reach an agreement. They could not reach an agreement so the matter is now back before the Board for further consideration. Mr. Allred and Mr. Underwood presented additional information for Board consideration dealing with statistics on Mr. Sherer's reported historical use in the area as determined through a Freedom Of Information Act (FOIA) request to the U.S. Forest Service. This information detailed a relatively small amount of cougar hunting activity in the vicinity of the Middle Fork of the Boise River over the last several years and little or no bear hunting during the same period. Mr. Allred formally requested that the Board remove the current authorization for bear and cougar hunting in the vacated John Anderson operating area and award it to him. Mr. Sherer reiterated that his current outfitter license authorizes cougar and bear hunting in a large portion of IDFG Mgmt Unit 39 and is contiguous to the former John Anderson area. He explained that there has been a quota established on female cougar harvest in Unit 39 for many years, and many years the season is closed prior to the scheduled closing when the quota is reached early. Mr. Sherer did acknowledge that he has conducted very little bear hunting in the past but hopes to begin booking more hunts in the future. At the conclusion of these presentations, Chairman Swift and Scott Farr recommended that the two parties try one last time to reach a compromise on a 50-50 split of the Anderson area. They agreed to try and retired to the office lobby to discuss the matter. At the end of these discussions, MSC (Farr-Bernt) TO

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APPROVE THE COORDINATED RESOLUTION OF THIS CONTESTED OPERATING AREA AS PROPOSED BY MR. ALLRED AND MR. SHERER. THE DIRECTOR WILL WORK WITH THEM TO DETERMINE THE EXACT LOCATION OF THE PROPOSED BOUNDARY.

The meeting recessed at 5:35 PM and reconvened at 8:10 AM, Tuesday, February 29, 2000, with all members present.

**Art Griffith, Iron Horse Outfitters, Show Cause Hearing:** Board Prosecutor Steve Tobiason and counsel for Mr. Griffith, Mr. Gale Merrick, appeared to address the matter of the show cause hearing for Mr. Griffith. Mr. Tobiason informed the Board that a stipulated settlement agreement has been reached between him and Mr. Merrick on behalf of Mr. Griffith. Based on the available evidence and the details pertaining to each of the eight counts filed in this case, the attorneys have proposed that five of the eight counts be dismissed with the understanding that Mr. Griffith will plead guilty to the other three counts and agrees to the assessment of a \$1,500 fine and that his outfitter license will be placed on probation for a period of two years, with the normal terms of probation. The primary issues covered in the three remaining counts involve the use of an unlicensed guide, the use of inappropriate language by Mr. Griffith, and his conduct with some of the clients at certain times during the hunt in question. Several Board members expressed their discomfort with this kind of outfitter behavior and also expressed concerns about some of the guide's actions during the same time period. At the conclusion of these discussions, MSC (Farr-Lyon) THAT THE STIPULATED SETTLEMENT PREPARED BY THE ATTORNEY'S BE ACCEPTED AS PRESENTED AND THAT A LETTER OF CONCERN BE FORWARDED TO MR. GRIFFITH OUTLINING THE BOARD'S APPREHENSIONS REGARDING HIS CONDUCT AND THAT OF SOME OF HIS GUIDES. THE LETTER WILL ALSO RECOMMEND THAT MR. GRIFFITH DEVELOP A SUITABLE WRITTEN DESCRIPTION OF WHAT CONSTITUTES A "ONE-ON-ONE HUNT" AND PROVIDE THIS TO ALL CLIENTS WHO BOOK THIS KIND OF TRIP WITH IRON HORSE OUTFITTERS IN THE FUTURE. **Administrative note:** The Director is further instructed to flag each of the license files of the guides involved with these complaints so that their alleged conduct can be reviewed relative to this incident at the time they apply for a future license with the state.

**Tag Allocation – Selway and Middle Fork Zones:** A detailed discussion ensued pertaining to numerous aspects of the elk and deer tag allocation processes currently being developed by the Board. One of the first concerns for the Board deals with the potential that there may be a limited number of unused elk tags available in both the Selway and the Middle Fork Zones that can be identified now. If this proves to be the case, the Board feels an appropriate effort should be made to accurately document how many tags are available, from what source they are available, and what outfitters in each zone are eligible, or should be considered eligible, to receive extra tags for the 2000 season. IOGA Executive Director Grant Simonds and Allocation Team member Darl Allred were also present and provided input during various portions of the allocation

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considerations. Prior to the beginning of the Board Meeting, the outfitters affected by the Idaho Fish & Game Commission allocation decisions in the Selway and Middle Fork Zones, were advised to contact the Board with information about their situations and concerns so that the Board could act accordingly to assist in legitimate situations. As of Monday, February 28, a number of letters had been received at the office concerning this issue, and several additional outfitters had requested specific appointments to meet personally with the Board. The Board decided to group the identified needs of the outfitters into three general categories: hardships, needs and desires. With this criteria as a guideline, the following situations were considered and determinations made: **Tom Demorest, Diamond D Ranch** – Mr. Demorest explained that by the time he received his official notification on his B tag allocation he had already committed to that many hunters for booked trips this coming season. He is not interested in receiving any additional tags at the expense of other outfitters, but if unused tags are identified in the Middle Fork Zone, he could use five of them.

The meeting recessed for lunch at 11:50 AM and reconvened at 1:10 PM with all members present.

**George Butcher, Bighorn Outfitters** – Mr. Butcher met via teleconference with the Board and expressed his concerns about the breakdown of the A and B tag distribution for his business. As a result of his early booking efforts last fall and this winter he is presently overbooked for B tag clients based on his existing eligibility under allocation. He asked the Board to consider any possible adjustment that would provide extra opportunity for Bighorn Outfitters. **Brian Simi and Dave Tidwell, Big Creek Lodge and Outfitters** – Designated Agent Brian Simi, and Director Dave Tidwell, of Big Creek Outfitters, appeared before the Board to express their concerns about the critical situation that has been created for Big Creek Lodge based on the results of the allocation determinations of the IOGLB. As a result of aggressive marketing and booking efforts by Big Creek Outfitters, they have booked 24 hunters for the 2000 season and are determined eligible for only 16 B tags based on calculations of the IOGLB for historic use over the last five years. Mr. Tidwell and Mr. Simi provided detailed information to the Board about the unusual circumstances which resulted in low use numbers during previous annual operations of the Lodge. The unsettling situation regarding the proliferation of wolves in the Big Creek Lodge area has also had a dramatic affect on the potential for them to provide reasonable expectations to their clients for a successful hunt. They requested five additional B tags for the upcoming 2000 season over and above their allocation determination. **Jim Thomas and Rick Trusnovec, Horse Creek Outfitters:** The Board considered a request for hardship allocation adjustment consideration in the Selway Zone from Horse Creek Outfitters. Based on unavoidable reductions in business because of major forest fires in 1996, 1997 and 1998, as well as deliberately lowering their operational goals to lessen the impact on the wildlife resource over the last seven years, they feel well qualified for hardship consideration for at least five additional opportunities. Following this review, MSC (Lyon-Bernt) TO APPROVE A HARDSHIP ADJUSTMENT FOR HORSE CREEK OUTFITTERS IN THEIR SELWAY ZONE ALLOCATION FOR SIX (6) ADDITIONAL TAGS. **Stan Potts, Stanley Potts**

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**Outfitting:** Mr. Potts had informed the Board in writing of his concerns regarding the results of the allocation calculations. He feels he qualifies for hardship consideration for at least three additional tags due to the long term impacts of 1988 fire damage to trail systems in his area and the more recent problems caused by wolves encroaching on his operating area and pushing the game out of the area.

**Yvonne Goundry, Mackay Bar Corporation:** Ms. Goundry, Designated Agent for Mackay Bar Corp., appeared to talk with the Board about the results of the allocation process as they affect Mackay Bar. She explained that the calculations provide for 3 A tags and 23 B tags. At their expected level of activity for the 2000 season, she indicated they would not need as many B's and could utilize a few more A's. The Board indicated they would make note of the potential for adjustment for Mackay Bar's needs, and keep them informed.

The meeting recessed at 5:10 PM and reconvened at 8:05 AM, Wednesday, March 1, 2000, with all members present.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Hunsucker-Bernt) TO GO INTO EXECUTIVE SESSION AT 8:10 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Lyon-Farr) TO COME OUT OF EXECUTIVE SESSION AT 8:21 AM WITH NO DECISIONS MADE.

**Van Edgar Johnson:** Mr. Johnson appeared in person relative to his former application for a guide license. His application was originally denied in 1999 based on his admission that he was convicted for violation of hunting regulations in Colorado and New Mexico. In addition to his verbal testimony, Mr. Johnson presented a packet of informational material that provided some background into the charges filed against him. This information also included some letters of reference he had received in the past from two individuals who worked for the Colorado Division of Wildlife. Licensed Idaho outfitter Tuck Russell spoke on behalf of Mr. Johnson as he, Mr. Russell, is considering employing Mr. Johnson as a designated agent. Mr. Darl Allred also spoke on behalf of Mr. Johnson, stating he had knowledge of Mr. Johnson's expertise in relation to cougar and bear hunting. After considerable discussion and questions posed to Mr. Johnson, it was determined the hearing should be recessed while additional research is pursued by IOGLB enforcement staff. Mr. Johnson was informed that if additional information could be collected during the remainder of the Board meeting, a decision would be rendered and he would be advised of the results. Mr. Johnson returned to the meeting at 2:30 PM and was advised the Board had not yet concluded its additional inquiries. They have additional questions regarding the terms of his probation in Colorado and how those were satisfied. The Board will contact him as soon as possible in an effort to conclude this license consideration.

**Norm and Joan Zachary, McCall Outback Adventures, Inc.:** Mr. and Mrs. Zachary appeared before the Board to introduce themselves and describe their new recreational

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outfitter business located in McCall. They have started a winter cross country skiing and snowshoeing business and plan to begin offering trailrides and wagon and dinner rides during the summer. These activities will be provided on their personal property and on leased private land south of McCall as well. Mr. Zachary also shared his concerns with the Board about the lack of outfitter licensing requirements for horse drawn wagons and sleighs. He and his wife feel it is extremely important that these types of operations be covered by the state licensing process for the benefit and protection of the public. Board members explained the past history of regulatory procedures regarding these activities and the 1992 decision to rescind regulatory oversight of them. Mr. Zachary informed the Board he feels there are significant safety and liability issues involved with providing this type of service to the public and he intends to pursue the matter further. They suggested that he contact his local legislative representatives and also communicate with the IOGA.

**Idaho Wildlife Federation (IWF), Bill Goodnight:** Mr. Goodnight appeared on behalf of the Idaho Wildlife Federation to review the current draft of a proposed rule addressing Licensing Board Executive Director authorization for granting, denial and revocation of licenses. This rule is the result of collaborative efforts on the part of representatives from the IWF, IOGLB and the IOGA in response to proposed legislation drafted by the IWF. They are interested in having clearer guidelines established for approval of licenses when an applicant has a history of flagrant violations of fish and game laws and rules. After holding several meetings and working through several variations of the new rule, a compromise was reached that appeared to satisfy everyone's concerns. The portion of the rule dealing with flagrant violations will be proposed to read as follows:

“The Board shall proceed with the denial of an application for a hunting or fishing outfitter or guide license or proceed with the revocation process on a licensee upon conviction of a flagrant violation pursuant to Section 36-1402(e), Idaho Code, unless unusual mitigating circumstances exist.”

The Board agreed to proceed with appropriate rules promulgation.

**Tim Craig, Boulder Creek Outfitters:** Mr. Craig met with the Board by teleconference to discuss the existing deer tag allocation results for Boulder Creek Outfitters in IDFG Mgmt Unit 14. He has been licensed to hunt deer in portions of this unit for approximately 13 years and has established a significant record of historic use hunting both mule deer and whitetail. The IDFG recently established a controlled hunt for mule deer in the unit but contend that it is “a new controlled hunt” and therefore cannot be qualified for any historic use. Mr. Craig disagrees with this determination and provided statistical information supporting his claim that the historic use is legitimate even though it occurred when the area was managed with general season regulations. The Board reviewed the “controlled deer odds of draw” statistics and other information provided by Mr. Craig and concluded he has a viable argument for his use figures. At the conclusion of this discussion, MSC (Lyon-Farr) THAT THE DIRECTOR SEND A LETTER TO THE DEPARTMENT OF FISH & GAME EXPRESSING THE SUPPORT OF THE LICENSING BOARD FOR RECALCULATION OF THE HISTORIC USE FOR DEER

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HUNT TAG ALLOCATION IN MGMT UNIT 14 FOR BOULDER CREEK OUTFITTERS. THE APPROVED FIGURES SHOULD MORE CLOSELY APPROXIMATE THE ACTUAL USE REPORTED TO AND ON RECORD WITH THE IOGLB OFFICE.

Board member Wayne Hunsucker departed the meeting at 11:45 AM to catch a plane to Spokane for a previous commitment.

The meeting recessed at 11:50 AM for lunch and reconvened at 1:15 PM with all members but Wayne Hunsucker present.

**Doug Sayer, Outlaw Outfitters:** Mr. Sayer appeared to address the Board regarding the history of his operation of Outlaw Outfitters since he acquired the business in 1993 through a purchase from Mr. Milt Butler. Mr. Sayer has had extreme difficulties trying to promote and increase his business, partly due to an extensive lawsuit against Mr. Butler over alleged illegal activities in his former operating area. This lengthy process took an excessive amount of time, effort and resources on Mr. Sayer's part and severely impacted his ability to adequately operate his business. After discussing these issues with Mr. Sayer, MSC (Lyon-Farr) TO APPROVE AN ADJUSTMENT FOR HARDSHIP REASONS IN THE CONTROLLED HUNT ELK TAG ALLOCATION FIGURES FOR MR. SAYER.

**Ralf Provant, Brian Reynolds:** Mr. Provant appeared before the Board representing himself and on behalf of Mr. Reynolds who could not attend the meeting, to explain their interest in developing an educational program for at-risk students. Both Mr. Provant and Mr. Reynolds are school teachers in the Boise School District. They plan to create a non-profit corporation which would provide students with a science learning experience incorporating activities in the outdoors on various rivers, etc. They intend to develop their program around these goals and to have it qualify for non-profit license exempt status under the provisions of Sec. 36-2103, Idaho Code. Mr. Provant provided written materials and photographs of past field exercises which helped to describe how the program might be conducted. After reviewing this information and listening to Mr. Provant's presentation, MSC (Farr-Lyon) TO APPROVE THEIR REQUEST FOR LICENSING EXEMPTION UNDER THE PROVISIONS OF SECTION 36-2103, IDAHO CODE.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon-Bernt) TO GO INTO EXECUTIVE SESSION AT 3:12 PM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) TO COME OUT OF EXECUTIVE SESSION AT 3:35 PM WITH NO DECISIONS MADE.

**Matt Ferris, Guide Licensing Consideration:** Mr. Ferris addressed the Board via teleconference from Australia regarding his desire to pursue approval for a guide license to work in Idaho this coming fall. His license renewal application was denied by the

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Board in 1999 based on his conviction for violating Idaho Fish & Game laws in 1998. After discussing the matter in detail with Mr. Ferris, the Board recommended that he consider submitting a current license application for evaluation with the possibility that a hearing will be conducted during the April Board meeting if deemed necessary.

**Selway Zone Tag Allocation Consideration:** The Board discussed tag allocation considerations for operators in the Selway Zone based on the Idaho Fish & Game Commission decision to institute a reduction in tags for all users in that zone. After reviewing the historic use figures calculated by IOGLB staff, MSC (Farr-Lyon) TO ACCEPT THE USE FIGURES AS PRESENTED AND RECOGNIZE THAT THE HISTORIC USE CALCULATED FOR THE OPERATING AREA FORMERLY ASSIGNED TO DICK NORRIS, DBA: MOOSE CREEK OUTFITTERS, BE CONSIDERED AVAILABLE FOR DISTRIBUTION TO OUTFITTERS IN THE ZONE WITH HARDSHIP CIRCUMSTANCES AS APPROVED BY THE IOGLB. THE PRIMARY REASON THESE TAG ALLOCATIONS WILL BE USED IN THIS MANNER FOR THE 2000 SEASON IS THAT A FINAL DECISION ON REDISTRIBUTION OF THE AREA TO SEVERAL OF THE ADJACENT OUTFITTER OPERATIONS HAS NOT YET BEEN ACCEPTED AND APPROVED BY THE U.S. FOREST SERVICE. THE IOGLB RECOGNIZES THAT THIS UNCOMMITTED TAG ALLOCATION SITUATION WILL ONLY EXIST FOR THE 2000 SEASON AND ANY RECIPIENTS OF THESE TAGS FOR HARDSHIP PURPOSES WILL BE SO INFORMED.

Meeting recessed at 5:22 PM and reconvened at 8:15 AM, Thursday, March 2, 2000, with all members present.

**Ron Silva, Idaho Wild Turkey Federation:** Based on discussions conducted earlier in the Board meeting, the Director was instructed to contact Mr. Silva and invite him to attend the April meeting of the Board to discuss issues relating to turkey hunting and considerations for authorizing these outfitted services.

**John Downing, Eagle Eye Outfitters:** The Board reviewed a written request from Mr. Downing for reconsideration of the historic use calculations for his operation. He explained that he had just acquired the business in January, 1999, from Eakin Ridge Outfitters and their level of activity had been gradually reducing over the last five to six years. Mr. Downing feels he should not be penalized for this lower level of activity and hopes that the Board will favorably consider a hardship adjustment for his number of tags. After considering the information provided by Mr. Downing, the Board determined that the Eagle Eye Outfitters circumstances do not constitute a hardship situation, but he may be eligible for some other tags based on what is available.

**Temporary Hardship/Needs Assessment For Allocated Tags – Selway and Middle Fork Zones:** Following due consideration and discussion relative to tag allocations and historic use calculations for qualified outfitters in the Selway and Middle Fork Zones, MSC (Lyon-Hunsucker) THAT DILIGENT EFFORT BE MADE BY THE BOARD TO

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CONTACT ALL ELIGIBLE OUTFITTERS IN BOTH THE SELWAY AND MIDDLE FORK ZONES TO DETERMINE WHICH OUTFITTER OPERATIONS MAY HAVE EXCESS TAGS AND WHICH ONES ARE EFFECTED BY A HARDSHIP SITUATION RELATIVE TO THE NUMBER OF ALLOCATED TAGS THEY ARE AUTHORIZED FOR THE 2000 SEASON. THOSE ELIGIBLE FOR HARDSHIP CONSIDERATION, AS DETERMINED BY BOARD REVIEW, WILL BE ALLOTTED ADDITIONAL TAG ALLOCATION(S) BASED ON THEIR NEED AND THE AVAILABILITY OF UNCOMMITTED TAGS. FOLLOWING AN INITIAL DETERMINATION OF HOW MANY TAGS ARE AVAILABLE FOR REDISTRIBUTION AND WHICH OUTFITTERS HAVE A QUALIFYING HARDSHIP OR ADDITIONAL NEED (CLIENTS WAITING TO BOOK IF TAGS BECOME AVAILABLE, ETC.), HARDSHIP DETERMINATIONS WILL BE SATISFIED FIRST OUT OF THE DETERMINED SURPLUS. AFTER THE HARDSHIP SITUATIONS HAVE BEEN ADDRESSED, THE REMAINING AVAILABLE EXCESS TAG ALLOCATIONS WILL BE HELD UNTIL THE APRIL BOARD MEETING. AT THAT TIME, ANY ADDITIONAL HARDSHIP SITUATIONS WILL BE CONSIDERED AND ADDITIONAL NEEDS EVALUATED AND APPROVED.

**Selway Inn, Inc.:** The Board reviewed a formal request received from the Selway Inn, Inc., for continued non-use approval for the 2000 and 2001 operating seasons for elk and deer hunting. Their operation was previously approved for non-use for the 1999 season. They have discussed the matter with the Clearwater Region Office of the IDFG and received their support for the inactivity during this period. Following discussion and review by the Board, MSC (Lyon-Bernt) TO APPROVE THE NON-USE REQUEST FROM SELWAY INN, INC., FOR DEER AND ELK HUNTING, BUT FOR THE 2000 OPERATING SEASON ONLY.

**Shared/Overlapping Use For Bear and Cougar Hunting:** The Board discussed the potential for issuing limited approval for shared or overlapped bear and cougar hunting opportunities in certain areas of the state. This issue has been under consideration for some time as a result of increased interest by the Idaho Department of Fish & Game to have increased harvest possibilities for these species in some management units. The IOGA supports this approach to wildlife management goals and passed a resolution to this effect at their winter conference in Boise. One recommendation for dealing with this situation would be for the IOGLB to implement its current one-time special hunt authorization policy which would allow for temporary approval for this type of operation on an as-needed basis in certain areas. Following this discussion, MSC (Farr-Lyon) TO ADOPT A PROCEDURE FOR APPROVAL OF SPECIAL HUNT AUTHORIZATIONS TO ALLOW QUALIFIED OUTFITTERS TO TEMPORARILY MOVE THEIR OPERATIONS FOR BEAR AND/OR COUGAR HUNTING ACTIVITIES INTO OTHER OPERATING AREAS, SOME OF WHICH MAY CURRENTLY BE LICENSED TO OTHER OUTFITTERS FOR THOSE ACTIVITIES. THESE APPROVALS WILL BE CONSIDERED ON A CASE-BY-CASE BASIS AND WILL INVOLVE COORDINATION BETWEEN AFFECTED OUTFITTERS, LAND

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MANAGEMENT AGENCIES, THE IDAHO DEPARTMENT OF FISH & GAME,  
AND THE IOGLB.

**Amendment Rule Advisory Committee:** As reported earlier in the meeting by Board Counsel Steve Scanlin, a rule has been drafted establishing guidelines to be followed by the Licensing Board when dealing with amendment requests. In conjunction with this directive, additional policies are being written which will provide additional detail for implementation of these procedures. In response to concerns and recommendations from members of the IOGLB and the IOGA, a committee will be established to work jointly on these issues. Board Chairman Diana Swift, Vice Chairman Wayne Hunsucker, and member Ray Lyon will serve as Licensing Board members on the committee. Director Sangrey will also participate along with representatives from the IOGA. The Director will inform the IOGA of these appointments and work will begin in the near future.

**December and January Board Meeting Minutes:** The Board reviewed and discussed the minutes of the November 30 – December 2, 1999 regular meeting and the January 8, 2000 special meeting. Board member Scott Farr expressed his concern about certain references in the minutes of December 2, 1999 relating to the denial hearing for James McCarthy and the subsequent motion by the Board. Ray Lyon reiterated his feeling that the minutes properly reflect his personal opinion regarding the motion and approval of the probationary license for Mr. McCarthy. Mr. Farr stated he didn't agree with the way the Board's action was portrayed in the minutes and feels a more detailed description of the difference of opinion on the matter should be presented. Following this discussion, MSC (Hunsucker-Bernt) TO APPROVE THE MINUTES OF THE NOVEMBER 30 – DECEMBER 2, BOARD MEETING (Lyon-aye, Bernt-aye, Hunsucker-aye, Farr-nay, Swift-aye) AND APPROVE THE MINUTES OF THE JANUARY 8, 2000 SPECIAL MEETING.

**Director's Actions:** Since the December Board meeting, Director Sangrey has approved the following new outfitter licenses and amendments: **New licenses – David Shillinger, Jacob Warren, Melvin Parks, Norman Zachary, Frank Schmitz, and Lonnie Hutson. Amendments: Brent Estep, Mackay Bar Wilderness River Trips; John Cranney, Rawhide Outfitters; Roger Lindsay, Four Seasons Sports.** Following this review, MSC (Hunsucker-Bernt) TO APPROVE THE DIRECTOR'S SPECIAL ACTIONS.

**Nick Purdy, Picabo Livestock Co.:** The Board reviewed a letter submitted by Mr. Purdy advising that he was considering making application for an outfitter's license to conduct fly fishing excursions on his private or leased property in the vicinity of Silver Creek and Lava Lake Ranch. Director Sangrey will advise Mr. Purdy to consider proceeding with development of his application and submit it for evaluation. Several issues exist in this area of interest that may effect the analysis of his application.

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**Financial Report:** Director Sangrey reviewed the current financial status report as of January 31, 2000. Following this review, MSC (Hunsucker-Bernt) TO APPROVE THE FINANCIAL REPORT AS PRESENTED.

**April Board Meeting:** The next regular meeting of the Licensing Board will be held in Boise, beginning on Monday, April 24, 2000.

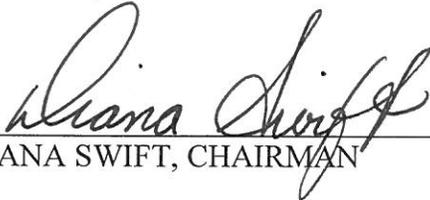
With no further business to come before the Board, the meeting adjourned at 12:45 PM.

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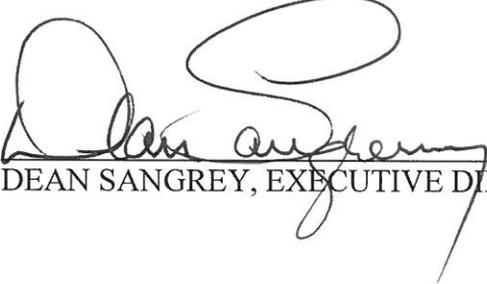
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DIANA SWIFT, CHAIRMAN

ATTEST:

  
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DEAN SANGREY, EXECUTIVE DIRECTOR