

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

**APPROVED MINUTES**

**June 26 – 28, 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 8:25 AM, Monday, June 26, 2000, in the Boardroom, 1365 North Orchard, Boise, Idaho. Board Chairman Diana Swift, and members Wayne Hunsucker, Ray Lyon, and Scott Farr were in attendance. Bill Bernt was absent for the meeting due to business commitments. Also present were Executive Director Dean Sangrey, Education/Law Enforcement Supervisor Mike Best, and Board Counsel Steve Scanlin.

**EXECUTIVE SESSION:** MSC (Hunsucker-Lyon) THAT THE BOARD GO INTO EXECUTIVE SESSION AT 8:27 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Lyon-Hunsucker) TO COME OUT OF EXECUTIVE SESSION AT 8:42 AM WITH NO DECISIONS MADE.

**Board Of Examiners:** The Director explained the employee compensation process in Idaho as it relates to the accumulation of vacation time earned. All state employees earn a certain amount of hours of vacation per pay period and the rate of accumulation and number of total allowable hours varies depending on the number of hours or years of service. When the limit of allowable hours is reached, any additional accumulated time is lost. Director Sangrey explained that due to frequent excessive workloads and other job responsibilities at the office, he sometimes gets into situations where he cannot afford to take vacation and his additional accrued time is lost. The State Board of Examiners can grant approval allowing for accrual of hours over the established maximums under unusual or emergency situations. Following this discussion, MSC (Lyon-Hunsucker) TO REQUEST APPROVAL FROM THE STATE BOARD OF EXAMINERS TO INCREASE THE ALLOWABLE ACCRUED HOURS OF VACATION TIME FOR DIRECTOR SANGREY FROM 288 HOURS TO 360 HOURS.

**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 has been working on recruitment efforts through the Idaho Division of Human Resources to find a suitable candidate for the new full time clerical position approved by the legislature and effective July 1, 2000. Several interviews have been conducted and additional discussions are scheduled following the Board meeting. **IDFG Audit** - Glen Luke, a staff auditor employed by the Department, has been working with Director Sangrey on a review of allocation records developed and maintained by the IOGLB regarding historic use calculations for allocated tags. Apparently the last field work conducted by Mr. Luke at the IOGLB office has been completed and the findings

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will be prepared for presentation at the next Commission meeting in July. **Multi-State Outfitter Board Conference** – Plans are being finalized for a multi-state conference of Outfitter and Guide Boards and Commissions, their respective administrators, and other key staff members. The meeting is scheduled for August 25 and will be held in Cheyenne, Wyoming. Conference participants will include representatives from Idaho, Montana, Wyoming, Colorado, New Mexico, Oregon, and possibly Utah. Board members Diana Swift, Wayne Hunsucker, and Scott Farr indicated their interest in attending the conference. Ray Lyon will advise of his availability at a later date. The Director was instructed to check into the potential for arranging a direct flight to Cheyenne, Wyoming. The Board members also suggested the date for the August meeting be changed to one week earlier to allow for their meeting attendance in Boise and Cheyenne during the same time period to save work and travel time related to Board matters.

**Steve Scanlin, Board Counsel: Legislation and Rules** - Mr. Scanlin provided an overview of the various elements of the proposed legislative and rules amendment packages the Board will be considering for submission to the Governor's office this year. Issues addressed in the rules package include: clarification of Board office location; electronic signature authorization; providing a definition for scouting activities; additional considerations for unethical/unprofessional conduct, modification of license renewal dates which will allow for staggered licensing dates; establishment of a rule governing controlled hunt processes; clarification of several river put-in and take-out locations; establishment of a rule which clearly delineates procedures for granting, denying, and revoking licenses; and re-establishment of regulation of wagon and sleighride activities. Proposed statutory amendments will address: establishment of regulatory processes for wagon and sleighrides, enforcement supervisor position upgrade for retirement benefits with PERSI; changing the definition of license year to an anniversary date and not strictly from April 1 to March 31; changing the definition of outfitter and guide so as not to include persons who only furnish pack or saddle horses; and some house cleaning measures. **Rich Cook Appeal** – The Findings of Fact, Conclusions of Law, and Recommendations of Hearing Officer Jean Uranga, were presented and reviewed with the Board. Ms. Uranga recommends that various clients be reimbursed the associated costs of their respective expenses for booking with Mr. Cook, and that appropriate attorney fees for services rendered by Prosecutor Steve Tobiason and Ms. Uranga's fees be reimbursed to the Board, for a total of \$28,467.42. **Legal Services Contract Renewal** – Mr. Scanlin presented his contract proposal for renewal consideration. The proposal includes continued provision of legal services as provided for the 1999-2000 fiscal year, which includes prosecutorial services, for the same annual contract of \$30,000. MSC (Lyon-Hunsucker) TO APPROVE RENEWAL OF CONTRACT FOR COMPLETE LEGAL SERVICES WITH THE SCANLIN LAW OFFICES.

**Matt Ferris, Denial Hearing:** Mr. Ferris appeared by telephone conference call from his residence in Queensland, Australia, in a denial hearing regarding his current application

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for a 2000-2001 guide license for employment with Frank Giles, Wild Idaho Outfitters. Mr. Giles and licensed guide Mark Loening appeared at the Board hearing on behalf of Mr. Ferris. The initial denial of the guide license was predicated on Mr. Ferris' conviction for violation of IDFG hunting laws during the 1998 hunting season. IDFG DCO Paul Sommerfeld was the officer involved in the initial investigation and he provided telephonic conference testimony. At the conclusion of this testimony, MSF (Farr-Hunsucker)(Farr-aye, Hunsucker-aye, Lyon-nay, Swift-nay – **Tie vote – motion failed**) TO ISSUE MR. FERRIS A THREE YEAR PROBATIONARY LICENSE WITH THE NORMAL TERMS OF PROBATION INCLUDING NO AMENDMENT CONSIDERATION DURING THE TERM WHICH WOULD EXPIRE MARCH 31, 2003. THE BOARD EXPRESSED SERIOUS CONCERNS REGARDING MR. FERRIS' CONDUCT AND HIS JUDGMENT RELATING TO THIS INCIDENT. AN APPROPRIATE LETTER SHOULD BE FORWARDED TO HIM IN THIS REGARD. Following additional deliberation and consideration of the evidence and testimony, the original motion was repeated and MSC (Farr-Hunsucker)(Farr-aye, Hunsucker-aye, Lyon-abstain, Swift-nay) TO ISSUE A PROBATIONARY THREE-YEAR LICENSE AS PREVIOUSLY MOVED.

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

**Stuart Weeks, Denial Hearing:** Mr. Weeks appeared before the Board in a denial hearing regarding his application for a 2000-2001 guide license for employment with Mr. Gary Madsen and his conviction in 1998 for violating IDFG laws relating to the purchase of a wrong class license. Mr. Madsen appeared on behalf of Mr. Weeks and IDFG District Conservation Officer Tom Lucia appeared by telephone conference call on behalf of the IOGLB. At the conclusion of testimony and consideration of the evidence presented, MSC (Farr-Hunsucker) TO APPROVE AND ISSUE A TWO-YEAR PROBATIONARY GUIDE LICENSE TO MR. WEEKS WITH THE PROVISION THAT AMENDMENTS MAY BE CONSIDERED DURING THE TERM OF PROBATION WHICH WILL EXPIRE MARCH 31, 2002.

**Travis Bullock, Mile High Outfitters:** Mr. Bullock appeared before the Board to address several issues of concern that he has relative to current authorized boundaries and activities in the vicinity of the Mile High Outfitters operating area. They include: the potential for overcrowding in some of the recreational opportunities in the area; ramifications of some of the results of a partial sale of business opportunity between Stan Potts Outfitting and American Adrenaline; the current status of fishing authorizations of several outfitted operations adjacent to Big Creek resulting from various sales and transfers of business in the past; consideration of a moratorium on outfitted fishing proposals on Big Creek; and a recommendation to suspend any future consideration of bighorn sheep hunting applications, to include no "bighorn sheep only" operations. These issues were each discussed briefly with the Board and taken under advisement. The Board will work with Mr. Bullock to address each of these areas of concern.

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**IOGA Executive Director Grant Simonds and Louise Stark:** Mr. Simonds and Ms. Stark addressed the Board relative to several outfitter tag allocation issues. They were joined by Mr. Mike Scott, White Cloud Outfitters. Mr. Simonds and IOGLB Director Dean Sangrey reviewed the procedures established for dealing with the results of the allocated controlled hunt draw to be conducted by the IDFG following the May controlled hunt application period. Personnel at IDFG will advise the IOGLB office of the names of the successful applicants in each of the deer and elk allocated controlled hunts as soon as they are determined. The IOGLB will then inform the qualified outfitters in each controlled hunt of the individuals who were successful in that hunt and each hunter will also be advised of the eligible outfitter(s) to book with in their hunt area. A special allocated controlled hunt certification form is being developed through coordination between the IOGLB and IDFG for use in this process. Some potential problem areas, such as under-subscribed allocated controlled hunt opportunities and the potential for mis-application in the allocated controlled hunt process were also discussed. The need to consider a continuation of Allocation Team meetings was recommended, perhaps by issuing a joint letter of recommendation from the IOGA and IOGLB. Potential agenda topics for the Allocation Team should include the question of transferability of allocation tags up until the season starts and whether resident hunter tags will count toward an outfitter's total allocated use. Clarification was provided regarding the established procedures for authorizing special one-time controlled hunts. The results of an earlier discussion on this subject during the April IOGLB meeting were reviewed and suggestions were offered as to the appropriate make-up of a task force to review the current procedures.

The meeting recessed at 6:25 PM and reconvened at 8:10 AM, Tuesday, June 27, 2000, with all members except Bill Bernt present.

**Marcus Fipps:** Mr. Fipps appeared before the Board to discuss the recent approval and issuance of a probationary guide license for his employment with David Glasscock. Evaluation of his application determined he had been convicted for violating IDFG fishing regulations in 1999 and did not properly acknowledge this violation. Interim approval of the probationary license was provided by IOGLB staff, but the Board requested an opportunity to speak directly with Mr. Fipps about his violation. Following this discussion, the Board upheld the earlier interim approval enacted by the Director.

**John Downing, Bar None Outfitters, dba: Eagle Eye Outfitters, Show Cause Hearing:** Mr. Downing and his wife Kathy Downing appeared before the Board in a show cause hearing to address two citations filed against Bar None Outfitters for violation of provisions of Title 36, Chapter 21, Idaho Code. Prior to the start of the hearing, a stipulated agreement was reached between Mr. & Mrs. Downing and Board Prosecutor Steve Tobiason whereby the provisions of the first count, employment of an unlicensed guide, would be dropped and they would agree to pay a monetary fine to resolve the second violation, operating outside of his assigned area. After reviewing the

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details of the proposed stipulated settlement, MSC (Farr-Hunsucker) TO ISSUE A LETTER OF CAUTION TO MR. DOWNING REGARDING THE ISSUES RAISED IN THIS MATTER, AND THAT NO OTHER PENALTY BE ASSESSED AGAINST BAR NONE OUTFITTERS RELATED TO THIS INCIDENT.

**Three Forks Safaris, Karla Russell, Designated Agent, Tuck Russell, Licensed Guide, Show Cause Hearing:** Ms. Russell and Three Forks Safaris licensed guide Tuck Russell appeared before the Board in a show cause hearing to address the conviction of Mr. Russell for violation of IDFG bear baiting laws in 1999. IDFG Conservation Officer Rob Brazie appeared as a witness on behalf of the IOGLB. Mr. Russell plead guilty in Magistrate Court to this violation, paid a fine of \$500, and was placed on a two year probation. Following consideration of the evidence and testimony presented in this case, MSC (Lyon-Hunsucker) TO PLACE THE OUTFITTER LICENSE OF THREE FORKS SAFARIS AND GUIDE LICENSE OF TUCK RUSSELL ON PROBATION FOR A TERM TO COINCIDE WITH THE PROBATION IMPOSED BY THE MAGISTRATE COURT, WHICH WILL EXPIRE ON JANUARY 25, 2002. **Administrative Note:** MSC (Lyon-Hunsucker) THAT TAPES OF THE RECORDED CONVERSATIONS BETWEEN MR. RUSSELL AND CO ROB BRAZIE RELATED TO THE INVESTIGATION INTO THIS BEAR BAITING VIOLATION BE TURNED OVER TO IOGLB ENFORCEMENT STAFF FOR FURTHER INVESTIGATION.

**Mike Best, Education/Law Enforcement Supervisor:** Mr. Best presented his first staff report to the Board since assuming his duties as Supervisor of the Education and Law Enforcement Bureau on May 8<sup>th</sup>. He reported that the bureau is currently working on 50 active cases with three of them scheduled for undercover trips later this year. He also reported on various other issues he has been working on, including: coordination with Steve Tobiason and Steve Scanlin on numerous investigative cases; preparation and involvement with the unlicensed outfitting case against Ken Price; contacts with various USFS ranger districts regarding Board related issues; investigation of an accidental drowning on the Salmon River involving an outfitted trip; and research work he has completed on an equipment inventory for the Education/Enforcement Bureau.

**John A.K. Barker:** Mr. Barker addressed the Board via teleconference representing his son, Jon A.K. Barker, dba: Barker Trophy Hunts, on the issue of their concerns relative to one-time controlled bighorn sheep hunts. In their view it is critical to maintain the current policy of the IOGLB for approval of outfitted one-time special hunt authorizations in areas not currently licensed to specific outfitters. This type of approval should be tied to and coordinated following the provisions and guidelines established in the existing statewide MOU between the IOGLB, USFS and the BLM. In Mr. Barker's view, from an economic viability standpoint, it is not reasonable to consider permanent assignment of any currently unassigned operating area to only one outfitter.

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**Financial Report:** The financial report as of the close of business on May 31, 2000, was presented and discussed. Following this review, MSC (Lyon-Hunsucker) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED.

**April Board Meeting Minutes:** The minutes of the April, 2000 Board meeting were reviewed. The Director was instructed to clarify the minute entry related to the Board's intent to meet with select agency representatives regarding unassigned operating areas. Following a thorough discussion and review of this issue, it was determined to strike the reference in the minutes recommending a meeting to examine this matter should be organized and include participation from the IOGA and the Idaho Wildlife Federation. MSC (Lyon-Farr) TO APPROVE THE APRIL BOARD MEETING MINUTES AS CORRECTED.

**Michael Browning:** Director Sangrey presented a report to the Board regarding a guide license application submitted by Ted Epley for employment of Michael Browning as a river guide. Based on Mr. Browning's previous involvement with Mr. Epley as a licensed guide, it was the Director's recommendation that this current application for a guide license be approved probationary for the 2000-2001 license year. After reviewing the license history of Mr. Browning and his current application, MSC (Farr-Lyon) TO APPROVE THE ISSUANCE OF AN UNRESTRICTED GUIDE LICENSE TO MR. BROWNING FOR THE 2000-2001 SEASON.

The meeting recessed at 5:10 PM and reconvened at 8:00 AM on Wednesday, June 28, 2000 with Board Chairman Diana Swift and members Ray Lyon and Scott Farr present. Board member Wayne Hunsucker had a business commitment to attend to out of state. With a quorum of three members present, the meeting resumed.

**Terry Ring, Silver Creek Outfitters:** Mr. Ring appeared to meet with the Board to discuss his concerns with operational problems created by the provisions of current statute Sec. 36-2103 and Board Rule 011 which address closed membership clubs or organizations and their potential exemption from licensing requirements. Under present guidelines, operators who meet the intent of this statute and rule can provide guided services to participants without benefit of an outfitter or guide license. Because of a loophole in the law, these operations are providing outfitted and guided excursions for profit, and creating concerns for legitimate outfitters who are meeting all of the requirements for licensure. The group also discussed concerns about the number of guides that are presently allowed to be licensed for outfitted operations in the Wood River Valley area. The Board acknowledged the complexities of these conflicting issues; on the one hand the rights of small business operators trying to sustain and enhance their private businesses, and on the other, reasonable levels of use of the resources and the quality of that use by other participants is coming under continued and closer scrutiny. In Mr. Ring's view, the issues that must be closely analyzed in addressing this matter include limiting the number of guides that may be licensed and establishment of more stringent licensing requirements such as guide testing and public relations training.

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**Ron Sherer, Steel Mountain Outfitters:** Mr. Sherer appeared in a hearing to address his request for reconsideration of the Board's decision regarding the boundaries established between his operating area and that of Darl Allred, Sawtooth Wilderness Outfitters, in portions of the Boise National Forest along the North Fork and Middle Fork of the Boise River. MSC (Lyon-Farr) TO GO INTO EXECUTIVE SESSION AT 10:00 AM TO DISCUSS LITIGATION MATTERS. MSC (Lyon-Swift) TO COME OUT OF EXECUTIVE SESSION AT 11:08 AM WITH NO DECISIONS MADE. At the conclusion of discussion of the request by Mr. Sherer, MSC (Lyon-Swift)(Lyon-aye, Swift-aye, Farr-nay) TO RECONSIDER THE DECISION TO FIX THE BOUNDARY LINE BETWEEN THE RON SHERER AND DARL ALLRED OPERATING AREAS AND TO APPOINT HEARING OFFICER JEAN URANGA TO CONSIDER THE MATTER.

**Proposed Legislative "Idea" Package:** Following a thorough review of the proposed package of legislative amendment considerations, MSC (Lyon-Farr) TO APPROVE THE PROPOSED AMENDMENTS AS PRESENTED AND PREPARE THEM FOR TIMELY SUBMISSION TO THE GOVERNOR'S OFFICE FOR REVIEW.

**Proposed Rules Amendment Package:** Following a thorough review of the proposed rules amendment package prepared under recommendation of the Board, MSC (Lyon-Farr) TO APPROVE THE RULES AMENDMENT PACKAGE AS MODIFIED AND PREPARE IT FOR APPROPRIATE SUBMISSION TO THE OFFICE OF ADMINISTRATIVE RULES AND THE GOVERNORS OFFICE.

**Board Member Reappointment:** At this time, Board Chairman Diana Swift advised those in attendance that she had been informed by the Governor's office that she was not reappointed to another term on the Licensing Board. Based on this decision, she felt it was not appropriate to continue in an official capacity to serve as an active member of the Outfitters and Guides Licensing Board and she departed the meeting. Her departure left the meeting without a quorum present, so no further official business could be considered.

**Andrew Dunyon:** Mr. Dunyon appeared before the Board to discuss his outfitter license application for bear and cougar hunting. Because he had traveled from his home in New Meadows, Idaho, to meet with the Board, it was determined that the remaining Board members, Ray Lyon and Scott Farr, along with Director Sangrey and Board Counsel Steve Scanlin, would meet with him to give him an opportunity to share his proposal for licensing. He has identified a variety of locations incorporating both Idaho Department of Lands property and private lands owned by Boise Cascade Corporation. These properties are situated in various parts of IDFG Mgmt Units 22, 23, 24, and 32A. Jeff Rohlman, from the IDFG McCall office, was present to provide his agency's perspective regarding the issue of considering a licensed outfitter operation in these areas. He pointed out that the present management goals of the Department are being met for bear

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and that currently there are quotas established for harvest of female mountain lion in Mgmt Units 23, 24, and 32A. Mr. Dunyon explained the goals he has established for his proposed operation, identifying his interest to develop a restricted operation that will focus on a small number of clients with their hunting activities dispersed over a wide area. This will lessen the impact on the wildlife resource and reduce the potential for non-outfitted hunter conflicts. The Idaho Department of Lands and Boise Cascade Corporation have both submitted signed Land Manager Sign-Off Sheets indicating their intent to consider providing authorization to Mr. Dunyon to operate on their lands if he is approved and is issued a license by the Board. The Board members present concurred with the Director's intent to proceed with public advertisement of the outfitted opportunity.

At the conclusion of this discussion the remaining Board members decided it would be counterproductive to remain in session any longer. All other issues not opened for discussion will be continued to a later date.

Without being able to conduct further business, the Board members concluded their discussions at 1:15 PM.



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WAYNE HUNSUCKER  
CHAIRMAN

ATTEST:



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DEAN SANGREY  
EXECUTIVE DIRECTOR