

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES
February 25 – 27, 2002

(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 8:34 AM, Monday, February 25, 2002 in the Boardroom, 1365 North Orchard, Room 172, Boise, Idaho. Board Chairman Wayne Hunsucker, Vice Chairman Scott Farr and members Ray Lyon, Bill Bernt, and Will Judge were in attendance. Also present were Executive Director Dean Sangrey, Education/Law Enforcement Supervisor Mike Best, and Board Counsel Steve Scanlin.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Farr-Judge) TO GO INTO EXECUTIVE SESSION AT 8:44 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Judge) TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Dusty Youren, Guide License: Director Sangrey reviewed the status of the current guide license application submitted by Dusty Youren for employment with S&A Outfitters. Following initial approval of the application, it was determined that Mr. Youren had submitted an altered American Red Cross first aid card with his application. At the conclusion of this discussion, MSC (Bernt-Judge) TO TEMPORARILY SUSPEND THE GUIDE LICENSE ISSUED TO MR. DUSTY YOUREN EFFECTIVE IMMEDIATELY. THE STAFF WILL COORDINATE THE SCHEDULING OF A SHOW CAUSE HEARING IN THIS MATTER FOR THE APRIL BOARD MEETING.

STAFF REPORTS: Dean Sangrey, Executive Director: Licensing Status Report– Director Sangrey reported on the current status of licensing activity and as of February 22nd the Board has issued 25 outfitter, 18 designated agent, and 2 guide licenses so far for the new 2002-2003 license year. These figures compare with 28, 18, and 8 respectively for the same period in 2001. The total number of licenses issued for the 2001-2002 license year was 434 outfitter, 299 designated agent, and 2,116 guides. **Outfitter License Renewal Program** – Outfitter license renewals were mailed in January and the process is running smoothly with the first group of returns running about normal during the month of February. **Bar None Livestock, Inc., dba: Eagle Eye Outfitters** – Efforts by Lamont Anderson and Bud Lesley, former owners of Eakin Ridge Outfitters, to conclude a sale and transfer of the business are continuing. Arrangements have been made with two potential buyers to acquire separate portions of the former operating area. The Forest Service has concurred with efforts to split the area along the natural boundary of the Main Salmon River. That portion situated south of the river in IDFG Mgmt Unit 20A has been approved for sale to Dave Hettinger, Dave Hettinger Outfitting, and will be consolidated with an adjacent operating area belonging to Mr. Hettinger. Negotiations

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are continuing with another potential buyer for the remaining portion of the former operation that lies north of the Salmon River. **Multi-State Administrators Meeting** – Efforts are continuing with the Colorado Office Of Outfitters Registration to finalize plans for a multi-state administrators meeting to be held in Grand Junction, Colorado in April. Several states will be participating, including, Idaho, Wyoming, Montana, and New Mexico. Tentative plans call for the Idaho Licensing Board to attend the meeting on April 18-19 and return to Boise for their regular meeting commencing April 21st.

Steve Scanlin, Board Counsel: Proposed IOGLB Rule Changes and SB1372 – Mr. Scanlin reported that favorable Legislative review of the Board rules package has been completed and the new rules will become effective on the date established by the Legislature; probably the adjournment of the legislative session sometime in March. SB1372 dealing with establishment of cooperative agreements with participating County Sheriffs is moving through the statutory amendment process with the Idaho Senate. The bill has been adopted by the Senate Resources and Environment Committee and will go before the full Senate for debate in the next few days. **Williams & Williams** – A report was presented regarding notification received by the Board relating to the default by Mike and Gregg Williams on their sale and purchase agreement of the outfitter business formerly licensed to Lawrence Smith. The Board has been advised that Mr. Smith formally notified the Williams brothers of his intent to seek return of the business because of their failure to maintain payments under the terms of the sales agreement. Following this discussion, MSC (Farr-Lyon) TO NOTIFY MR. MIKE WILLIAMS AND MR. GREGG WILLIAMS THAT THEY HAVE TWO WEEKS TO REQUEST A SHOW CAUSE HEARING AS TO WHY THEIR LICENSE SHOULD NOT BE RE-ISSUED TO MR. LAWRENCE SMITH.

Mike Best, Education/Law Enforcement Supervisor: Mr. Best updated the Board on the status of current activities, which includes 74 cases under review at this time, and five investigations that have been closed for lack of evidence or jurisdiction, etc. He also reported that all Board enforcement agents and investigators attended a mandatory training session on January 8-9 while they were in Boise to participate at the annual IOGA winter conference. Several of the staff also completed a CPR training course that was included as part of the session.

Meeting recessed for lunch at 12:10 PM and reconvened at 1:30 PM with all members present.

Destination Wilderness, Inc., Ken Streater, Designated Agent – Mr. Streater appeared before the Board to discuss the circumstances and related issues pertaining to an accidental drowning that occurred in May, 2000 on the Main Salmon River involving one of his clients. Mr. Clyde Leo Durand, a participating guide on the trip in question, also appeared with Mr. Streater. Al Bukowsky, vice president of the River Section for IOGA, had previously arranged to join the discussion, and was linked by teleconference from his home in Merlin, OR. Both Mr. Streater and Mr. Durand presented an overview of the operating procedures followed by Destination Wilderness when conducting a multi-day float trip on the Main Salmon. They covered such subjects as overall organization, guides assigned to participate on the trip, equipment to be used, etc. The Licensing

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Board has conducted an extensive investigation into the circumstances surrounding this incident and after thorough consultation with all parties on all facets of the inquiry, the Board determined there has been no violation of Idaho statute or Board rules related to this unfortunate accident. They did ask Mr. Streater and Mr. Durand to describe the procedures followed for reading the river and scouting rapids before descending through the more challenging sections. The Board and the IOGA have discussed the possibility of establishing minimal standards or guidelines for the conduct of certain aspects of float trips on some rivers, particularly as they relate to the use of inflatable kayaks. Mr. Bukowsky listened to the discussion hoping to obtain additional insight into the background related to this issue so as to prepare information for a related session during the IOGA annual conference in December.

Ray Christopherson, Ridgerunner Outfitters – Mr. Christopherson appeared before the Board to solicit their support for increasing the number of allocated tags for his business. He explained that when he first acquired the business he intentionally booked smaller numbers of clients to allow himself to work into the hunting operation gradually. He thinks this action has had a detrimental affect on the tag allocation for Ridgerunner Outfitters in that if he had been more aggressive from the start, his allocation would have been more substantial. The Board explained the established procedure for hardship adjustments to tag allocations and the criteria used for making those types of changes. Currently there are no tag allocations available for dealing with hardship situations, although the Board doesn't feel this situation meets the hardship criteria. Mr. Christopherson was encouraged to continue with efforts to identify potential unused tags from other outfitters in the zone as he has done in the past.

Mike Caven, Bennett Mountain Outfitters – Mr. Caven appeared before the Board to discuss the status of their outfitter license application and to review the formal comments received from the Idaho Department of Fish & Game regarding their proposed operation in Mgmt Unit 45. Following submission of their original application last summer, the Licensing Board initiated formal research with the Bureau of Land Management and IDFG. The BLM has indicated their intent to issue a permit for outfitted use of their lands included in the proposed operating plan. The IDFG provided a written response in October citing several biological and social concerns with the proposed operation and did not express support for the application. Their issues focused on relatively small populations of black bear in the area, limited hunting opportunities for antelope at this time, and significant access problems throughout the unit that cause hindrances to harvest objectives for both mule deer and elk. Mr. Caven stated that their entire operating plan under the outfitter license is designed to compliment the IDFG management objectives for deer and elk in the area and, if anything, will help create more access to huntable terrain. He went on to explain that they have worked hard with IDFG on game management issues related to their properties in Unit 45 for many years. At the conclusion of this review, the Board instructed the Director to prepare a coordinated response with Mr. Caven back to the IDFG office in Jerome and try to determine if there is any suitable resolution to their concerns that would accommodate an acceptable outfitted operation in this area.

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Robert Denning, Outfitter License Application – Director Sangrey reviewed the outfitter license application submitted last year by Mr. Robert Denning for big game hunting on private property in IDFG Mgmt Unit 69. Mr. Denning lives in Idaho Falls and has leased approximately 2500 acres of private land situated in that unit. The land owner is interested in generating additional revenue from his property and has entered into an agreement with Mr. Denning to receive compensation for the use of his property by big game hunters. IOGLB research on this proposal with IDFG resulted in a recommended denial of the application based on potential hunter conflicts, further reductions in access to public lands as a result of private land closures, and concerns about the viability of a licensed hunting operation on a relatively small piece of private land. The Board recognizes that over the years a significant number of private land owners have been approved for outfitted hunting operations throughout Idaho. Historically, the Board has always acknowledged that a private landowner has every right to do whatever they want with their land, and that that is a right guaranteed by law. As more individuals try to get access to recreational opportunities around the state, the options available for these opportunities are becoming more limited. The Director suggested that perhaps it would be appropriate to consider a major review of outfitter licensing policies related to private land operations so that the Board is able to remain consistent with these decisions. Following this discussion, MSC (Lyon-Bernt) TO TABLE FURTHER CONSIDERATION OF THIS APPLICATION UNTIL FURTHER RESEARCH IS COMPLETED.

Al VanVooren, Deputy Director, IDFG – Mr. VanVooren appeared on behalf of Director Steve Huffaker, who had planned to meet with the Board at this time. Mr. Huffaker had intended to be here but was committed to a meeting in Missoula, MT. Mr. VanVooren talked about focus group efforts that are ongoing at this time in all seven IDFG Regions around the state. These groups were organized to collect input from the general public, IDFG agency personnel, sportsman groups, other state agencies, etc., to collect input regarding concerns and observations about what IDFG is doing now and where things need to go in the future. He also talked briefly about allocation, the initiative process currently being pursued around the state, outfitted turkey hunting, a statewide access program being developed with help from the Statewide Advisory Committee, licensing of incidental activities such as upland birds and fishing, and hound hunter permits.

Curt Mack, Nez Perce Wolf Recovery Project – Mr. Mack, who is employed by the Nez Perce Tribe, made a presentation to the Board regarding the Canadian Grey Wolf reintroduction program. He explained that the Tribe and the U.S. Fish & Wildlife Service joined in a cooperative project for wolf recovery throughout the state of Idaho. The ultimate goal of the program is to document 10 breeding pair of wolves in each of three states; Idaho, Montana, and Wyoming. Individual state management plans for dealing

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with the wolves in the long term must be in place before de-listing can occur. He expects the baseline numeric criteria on wolf numbers will probably be determined and in place by the end of 2003. At this time, it appears that Idaho and Montana are close to completing their respective management plans, but Wyoming is not. Part of the long-term management process will include some combination of hunting and trapping to adequately control wolf numbers. Mr. Mack expressed his desire and expectations that the recovery program will become more involved with Idaho outfitters and that they could assist with the recovery and monitoring program by helping to track and collar the wolves. He also explained that the Wolf Recovery Program is involved in an extensive GIS mapping process that could be enhanced by integrating digitized map information that would reflect outfitter assigned operating areas. He provided contact information for appropriate Program personnel in Lapwai, Idaho. Director Sangrey will proceed with efforts to make those contacts and investigate these options further.

Meeting recessed at 4:30 PM and reconvened at 8:30 AM, Wednesday, February 27, 2001 with all members present.

Outfitter Tag Allocation Update – Leanne Reinke, IOGLB Technical Records Specialist, presented an interim status report on the results of outfitted client activity for the 2001 hunting seasons. This information was compiled from responses provided by the outfitters using a special allocation recap survey that included an on-line reporting capability. The report was prepared to give the Board an accurate assessment of total allocated tag use in the Lolo, Selway, and Middle Fork Zones. Ms. Reinke and Director Sangrey also reported on allocated tag sales to-date for the 2002 hunting season as reported by IDFG region offices since the tags went on sale December 1, 2001. The allocated tag monitoring system appears to be working satisfactorily with good cooperation from the IDFG Licensing Office at headquarters in Boise and the affected region offices that are now able to submit immediate e-mail reports to the IOGLB on the results of daily tag sales.

Idaho Fish & Game Commission Initiative Petition – The Board reviewed the initiative petition recently filed with the Idaho Secretary of State's office to amend Title 36-102, Idaho Code, dealing with the structure and oversight of the Fish & Game Commission. Recognizing the extreme sensitivity of this issue and acknowledging that each Board member would have their own personal opinion and perspective regarding the petition, the Outfitters and Guides Licensing Board goes on record as having no official position regarding the merits of the petition.

Financial Report – The Board reviewed the monthly financial report for the close of business as of January 31, 2002. Following a detailed review of the report and discussion regarding the remaining spending authority in several fund categories, MSC (Lyon-Judge) TO APPROVE THE FINANCIAL REPORT AS SUBMITTED.

Board Meeting Minutes – The Director provided draft copies of the minutes of the December, 2001 Board meeting and the minutes of a special teleconference meeting

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conducted on December 19, 2001. Following a discussion and review of these minutes, MSC (Scott-Judge) TO APPROVE THE MINUTES OF THE DECEMBER BOARD MEETING AND SPECIAL TELECONFERENCE MEETING AS PRESENTED.

U.S. Coast Guard Boating Law Enforcement – The Portland office of the U.S. Coast Guard recently provided copies of two previous communications from 1988 and 1989 in which they affirmed that: 1) licensed outfitters operating inflatable boats are not required to hold a Coast Guard license, even when said vessel uses a small outboard motor for downstream steering; and 2) the 1989 letter established that licensed Idaho powerboat operators are required to satisfy all training requirements and obtain an appropriate Coast Guard license. Although the 1989 letter establishes the standard licensing requirements must be met, there have been recent indications that these standards might be lowered for those operators who maintain a license in Idaho and continue to meet or exceed the existing licensing criteria for commercial operators. This issue will be pursued with the Portland office.

Lazy J Outfitters, Larry Jarrett, Designated Agent – The Board reviewed a letter submitted by Mr. Jarrett in which he addressed his concerns about the proposed limited tag allocation for his operating area. Anticipating that the Idaho Fish & Game Commission will establish a first-time cap for the Elk City Zone for elk tags in the 2002 hunting season, the IOGLB has calculated a tag allocation for each licensed outfitter in the zone based on past historic use. A review of the use reports submitted by Mr. Jarrett resulted in a calculation of 4 allocated elk tags for Lazy J Outfitters. In his letter, Mr. Jarrett stressed that he felt strongly that this small number of tags was not indicative of the reasonable potential for his hunting area based on the current status of the elk herds. He went on to explain that the herds have had significant problems in Unit 16 the past 6 or 7 years such as increased predation, limited road access for predator hunting, severe winter conditions, and the introduction of wolves. He asked the Board to consider an adjustment in his proposed allocation. Following a review and discussion of his concerns, the Board determined that Mr. Jarrett's issues would not qualify for hardship consideration under the terms of the allocation procedures, and further, presently there are no identified surplus tag allocations in the Elk City Zone that would be available for permanent redistribution. He should be encouraged to contact other outfitters in the Zone to identify any unused allocation that may be available. The Director will inform Mr. Jarrett of these findings.

Patty Bates, District Ranger, Middle Fork Ranger District – The Board has received formal notification from Ms. Bates that two Main Salmon River float boat outfitters have been issued "probationary" performance ratings for the 2001 season. According to the information, in both cases the rating was issued based on trips that were launched without obtaining a proper permit. After reviewing this information, it was determined that more information should be solicited from the Forest Service regarding the severity of this type of violation of the special use permits. Contact will be made with the District to ascertain more background into these incidents.

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Jerry Jeppson, Monumental Outfitters – The Board received notification from Mr. Jeppson explaining that he had been injured by a horse last summer, which injury and subsequent hospitalization precluded him from operating his hunting outfitter business last fall. Because of this situation, Mr. Jeppson requested that the Board approve him for non-use for the 2001 season. After considering this information, the Board directed that the request be formally recognized and that further research with the Forest Service into the circumstances surrounding the incident be pursued as soon as possible, with a report back to the Board.

Terry Bangs – The Board reviewed a letter received from Mr. Terry Bangs, an individual who participated in a guide school program with licensed outfitter Art Griffith in 2000. After making arrangements to register for the course and paying fees in excess of \$2,800, Mr. Bangs was advised that the class would be cancelled for the scheduled time and reset at a later date. After a series of discussions with Mr. Griffith, Mr. Bangs decided to cancel his registration and requested a refund. The course fee has never been refunded and Mr. Bangs has not been able to negotiate any resolution to the problem. He has been informed that the Licensing Board doesn't regulate guide schools directly, but we are concerned about unethical conduct by licensed outfitters. Board Attorney Steve Scanlin will contact Mr. Bangs with some additional alternatives he might pursue.

IDFG Management Unit 13 Proposed Deer Allocation – IDFG staff have informed the Board they will be recommending that the Commission consider establishment of a cap on deer hunting opportunities in Unit 13. Research of the reported historic use by outfitters in that area determined a five-year average for deer hunting clients would be in the vicinity of 30 tags. Clearwater Region staff advised that they will recommend an initial allocation of 31 tags for this unit.

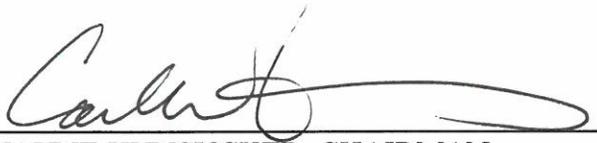
Executive Director Special Actions – The following special actions taken by the Director since the December Board meeting were reviewed by the Board: New outfitter licenses – **Joel Ryan** and **Albert Bayer**; amendments – **John Dyer, Rene Harrop, Kerry Brennan, Stan Potts, Chris Swersey, James Irby, Scott Ereksen, and Ralph Oswold**. Following a review of these actions, MSC (Judge-Farr) TO APPROVE THE SPECIAL ACTIONS REPORTED BY THE DIRECTOR.

April Board Meeting: With plans to attend the multi-state Outfitter Administrators Meeting in Grand Junction, Colorado on April 18-19, it was agreed that the regular April Board meeting will be held beginning Sunday, April 21 thru Tuesday, April 23, at the boardroom in Boise.

The meeting recessed at 12:05 PM and reconvened at 1:30 PM at the Senate Resources and Environment Committee meeting room at the Statehouse for the purpose of attending confirmation hearings for Board members Wayne Hunsucker, and Bill Bernt.

At the conclusion of these hearings, with no further business to come before the Board, the meeting was adjourned at 2:00 PM.

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WAYNE HUNSUCKER, CHAIRMAN

ATTEST:



DEAN SANGREY, EXECUTIVE DIRECTOR