STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
BOARD MEETING

MINUTES

June 23 - 25, 2003

(KEY: MSC = MOTION MADE, SECOND, CARRIED)
(MSF = MOTION MADE, SECOND, FAILED)

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:37 AM, MONDAY, JUNE 23, 2003, IN THE BOARD ROOM, 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, JAKE HOWARD, ENFORCEMENT SUPERVISOR BJ SNOOKS, AND SECRETARY KIM WALLETT.

Review of Agenda: Director Howard reviewed the agenda with the Board and asked for last minute changes or recommendations. Director Howard stated that Mr. Olin Gardner, Idaho Guide Service, had asked for his SA7B use appointment to be moved to the August Board meeting. Director Howard also noted a couple of minor changes to the agenda.

April Board Minutes - Director Howard provided a draft copy of the April 2003, Board minutes for Board review and approval. MSC (MOTION BY JUDGE, SECOND BY FARR, UNANIMOUS) TO APPROVE MINUTES OF APRIL MEETING AS PRESENTED.

STAFF REPORTS – Enforcement Report – BJ Snooks – Enforcement Supervisor: Mr. Snooks presented the Board a report showing the distribution of cases including those currently under investigation. He also presented a report detailing the exact numbers of cases and the breakdown of types. Mr. Snooks stated that he had worked all but one case administratively in the office. The one that needed further investigation was sent out to the field. He detailed how the agents are working in the field and on the rivers. Mr. Snooks was asked how the distribution of cases was between hunting and river operations. He stated that at this time, 90 % of new cases apply to river operations. The Board directed Mr. Snooks to present the Board with more detailed information with regard to all current cases as well as cases that have been closed. Director Howard spoke to the Board with regard to the Multi-State Outfitters Licensing Board Meeting that Mr. Snooks, Ms. Leanne Reincke, and he attended earlier in the month.

STAFF REPORTS – Steve Tobiason – Cases under prosecution: **Journeys Outdoor Adventures (JOAs)** – Mr. Tobiason detailed the situation with this outfitter and explained that the matter is currently under review and Mr. Steve Scanlin, Board Counsel, has written a letter to JOAs to explain IOGLB's concerns with their operations. **Whitewater West, Gail & Stan Watts** – Mr. Tobiason reviewed this matter with the

Board and also gave a little background on the case and what has happened up to this time. Mr. Tobiason was asked to contact the Outfitter regarding compliance and future Board action. **David Shillinger** – Mr. Tobiason reviewed a letter sent to Mr. Fred Imler II, owner of Jagged Edge Outfitting, regarding the revocation of his designated agent's, David Shillinger, license and payment of the Board's administrative costs for prosecution. It has been made clear to Mr. Imler that the Board would not consider a sale of the business until this matter is resolved and that the matter must be resolved prior to reissuance next year.

STAFF REPORTS – Technical Records Specialist I – Leanne Reincke: Ms. Reincke presented reports (attached) detailing the current status of new applications, amendment requests, and buy/sell areas, as well as the allocation information. Board member Farr suggested that the IOGLB staff try making one phone call to the outfitter to fix application and then return it by mail if response not immediate. It was suggested that the Allocation cut-off date be changed to accommodate the IDFG license schedule. It was suggested that a letter be sent about mid-year to notify the outfitter that they will not receive their vouchers until they submit their recap information from previous year. Ms. Reincke explained that two outfitters have purchased tags with vouchers in their own name, which is not allowed by the Board.

***Recessed for lunch** @ 12:15 PM and reconvened at 1:45 PM with all members present. Also present were Executive Director Jake Howard, Secretary Kim Wallett and IOGA President Grant Simonds.*

DIRECTOR'S REPORT – Executive Director, Jake Howard: Director Howard repeated that licensing is up to date and current and that licenses are being issued within 36 hours on the average, unlike 14 days in previous years. He stated that IOGLB is approximately 250 licenses ahead of where they were last year at this time. The Board asked Director Howard to be sure to let the outfitters know that old forms will not be accepted next year for guide license applications. **Financial** – Director Howard presented financial information to the Board and stated that he estimates IOGLB will end the fiscal year approximately $34,000 left unspent which will be returned to the free fund balance for re-appropriation by the Governor and Legislature in 2004. **Ridge & Cash Taylor** – Executive Director presented a letter from Mr. Taylor asking for an exception on the non-use based on his operation. The Board decided to grant the exception on a year-by-year basis.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY LYON-UNANIMOUS) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 2:40 PM TO DISCUSS PERSONNEL AND CONTRACTUAL ISSUES. MSC (MOTION BY FARR, SECOND BY JUDGE-UNANIMOUS) AT 3:41 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISION MADE.

WORK SESSION - Fee proposal & Rules Package: Grant Simonds and Brad Hoaglin were also present for this discussion. Director Howard presented two letters of dissention that he received from outfitters opposing the fee increase. He said he was surprised he

received only two letters on the matter. Mr. Simonds presented IOGA views based on input that he received from outfitters and that outlined in a letter to the Board. Director Howard stated he would prepare a response to the IOGA and would cooperate with them in addressing their concerns. Mr. Simonds feels that Enforcement is the one area that needs to be the focus. The Board discussed some confusion with regard to temporary and proposed rules. The difference is: Temporary rules will go into effect July 1, 2003; the Proposed rules, including the fee increase, will go into effect July 1, 2004.

Meeting recessed at 5:00 PM and reconvened at 8:30 AM, Tuesday, June 24, 2003, with all members present. Also present were Executive Director Jake Howard, Technical Records Specialist Leanne Reincke, Board Counsel Steve Scanlin, and Secretary Kim Wallett. Also present were Tim Craig, Boulder Creek Outfitters, Tom Fliss, Ace Outfitters, and Don Sorenson, Forest Service. Mr. Grant Simonds, IOGA Executive Director arrived at 8:42 AM.

Board Action – Outfitter Overlaps in Units 14, 18, and 19A: This matter was discussed due to a pending sale of Ace Outfitters requested by Mr. Tom Fliss. Mr. Tim Craig, representing Boulder Creek Outfitters, expressed concern with the sale and had asked for Board consideration of an overlap of outfitter areas in Unit 14 and Unit 18. As the result of the April Board meeting and an initial review by the Executive Director and several Board members, it appeared that Ace Outfitters was in non-use in several activities in Units 14 and 18. It was determined in the meeting that this was not the case. On a separate but related matter, Director Howard reported that he had discussed the overlap of Ace Outfitters by Jim Daude Outfitters and Bloxham and Bloxham Outfitters with these two outfitters respectively. He said that they had shown non-use for several years and they had decided to not contest the removal of these areas from their licenses. It was also determined that there are allocated tags in Unit 14 for deer. Boulder Creek Outfitters has 14 of those at this time. The question brought to the Board was: Does Ace Outfitters have historic use to become eligible for tags in Unit 14? The Board agreed to review the matter and contact the outfitters with their determination. Mr. Craig requested that an amendment be considered to provide better access to his operation in Unit 14, Slate Creek to Hammer Creek. MSC (MOTION BY FARR, SECONDED BY JUDGE, UNANIMOUS) ***UNIT 18*** *– ACE OUTFITTERS WILL BE REMOVED FROM UNIT 18 DUE TO AN ERROR DURING THE INITIAL SALE FROM SAM WHITTEN. THE BOARD WILL CONSIDER THE POSSIBILITY OF A REPLACEMENT AREA FOR BEAR AND COUGAR BECAUSE ACE OUTFITTERS HAS SHOWN USE FOR BEAR AND COUGAR IN THAT AREA. THE REMOVAL IS NOT CONTINGENT UPON ACE OUTFITTERS RECEIVING THAT REPLACEMENT AREA. ACE OUTFITTERS MUST IDENTIFY AN UN-OUTFITTED AREA AND MUST OBTAIN LAND MANAGER SIGN-OFF'S FOR AND MUST SUBMIT IT TO THE BOARD AS AN AMENDMENT. BOULDER CREEK OUTFITTERS WILL CONTINUE TO BE LICENSED FOR ALL CURRENT ACTIVITIES IN UNIT 18 (DEER, ELK, MOOSE, GOAT, BEAR, COUGAR, INCIDENTAL BOBCAT, PREDATORS AND SNOWMOBILING).* ***UNIT 14 – SLATE CREEK NORTH TO THE SOUTH FORK OF WHITE BIRD CREEK****; THE OVERLAP BETWEEN BOULDER CREEK OUTFITTERS AND ACE OUTFITTERS WILL CONTINUE FOR BEAR & COUGAR ONLY WITH THE UNDERSTANDING THAT ACE OUTFITTER'S BUYER WOULD RETAIN THE AREA FOR THOSE*

ACTIVITIES. BOULDER CREEK OUTFITTER WOULD RETAIN ALL LICENSED ACTIVITIES IN THIS AREA. (ELK, DEER, MOOSE, GOAT, BEAR, COUGAR, INCIDENTAL BOBCAT, PREDATORS, AND SNOWMOBILING.) ***UNIT 14 – SOUTH OF SLATE CREEK:*** *ACE OUTFITTERS WILL CONTINUE TO BE LICENSED FOR ALL ACTIVITIES FOR WHICH THEY ARE CURRENTLY LICENSED (DEER, ELK, BEAR, COUGAR, INCIDENTAL BOBCAT, PREDATORS, TRAIL RIDES, PHOTOGRAPHY TRIPS, AND INCIDENTAL FISHING). BOULDER CREEK OUTFITTERS HAS NO INVOLVEMENT IN THIS AREA. BOTH UNITS 14 AND 18 WILL BE MONITORED FOR NON-USE AND THE BOARD WILL REVIEW THE TAG ALLOCATION FOR UNIT 14. THE UNIT 19A OVERLAP ACE OUTFITTERS HAS WITH SHEPP RANCH FOR COUGAR AND INCIDENTAL BOBCAT MUST BE CLARIFIED ON ACE OUTFITTERS AREA DESCRIPTION. THE BOARD WILL FURTHER ENTERTAIN AN AMENDMENT FROM BOULDER CREEK OUTFITTERS FOR INGRESS/EGRESS TO UNIT 14, SLATE CREEK NORTH TO THE SOUTH FORK OF WHITE BIRD CREEK FOR BOULDER CREEK OUTFITTERS. MR. CRAIG STATED AND THE BOARD AGREED TO CONSIDER THE AMENDMENT FOR THIS INGRESS/EGRESS TO A SHOOTING DISTANCE (600/800 YARDS) IN EITHER DIRECTION FROM THE TRAIL. BOULDER CREEK OUTFITTERS MUST OBTAIN THE NECESSARY LAND MANAGER SIGN-OFF, A LETTER OF CONCURRENCE FROM THE IDAHO DEPARTMENT OF FISH AND GAME AND LETTERS FROM OVERLAPPED OUTFITTERS INDICATING THEIR SUPPORT FOR THE AMENDMENT.*

Status Report – Coast Guard Training and Licensing – BJ Snooks, Enforcement Supervisor: Mr. Snooks presented a report based on information from the meeting held on May 14, 2003. Mr. Snooks discussed the pros and cons of moving forward with this and he said he was waiting for a response from the Coast Guard clarified several issues raised in the meeting.

Status Report – Clearwater Sticker Initiative - BJ Snooks, Enforcement Supervisor: The Board determined this would go into effect for the 2003 Steelhead season and asked Mr. Snooks to finalize this policy. It was decided all hard-sided boats, and not inflatable boats, will be required to have a sticker for the program to work. Also, the stickers would have a serial number and be color-coded by year. The duration of the program was set at a three years as a test program. Costs of stickers would be recovered from outfitters who would purchase the stickers from IOGLB.

Recessed for lunch *@ 11:45 AM and reconvened at 1:30 PM with all members present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, BJ Snooks Enforcement Supervisor, and Secretary Kim Wallett.*

Denial Hearing – Bill Pruitt: Present for this hearing was Mr. Pruitt and BJ Snooks, Enforcement Supervisor. The Board had previously denied a license for Mr. Pruitt several years ago and was asked to reconsider issuing a guide license for Mr. Pruitt.

Mr. Snooks presented the following: Exhibit 1 – Previous court records and copies of fish & game violation information from the previous IOGLB denial; Exhibit 2 – Previous

Oregon Record from court of the violation of judgment also from the previous IOGLB denial; Exhibit 3 – Waivers of Submission from the Oregon Marine Board; Exhibit 4 – Decision of Hearing and Finding of Fact from the previous IOGLB denial hearing; Exhibit 5 – Time Line of dates prepared by Mr. Snooks for ease of understanding. Mr. Snooks presented details of the time line that were the basis of the previous IOGLB denial. Mr. Pruitt presented the following: Exhibit A – Letter to Executive Director Jake Howard.

MSC (MOTION BY FARR, SECOND BY BERNT – 3/2, FARR, JUDGE, BERNT, YEA; LYON, HUNSUCKER, NEA) TO ISSUE A PROBATIONARY LICENSE FOR A PERIOD OF THREE YEARS WITH ADMINISTRATIVE COSTS TO BE ASSESSED IN THE AMOUNT OF $258.76 AND ANY AMENDMENTS MUST BE CONSIDERED BY THE BOARD.

WORK SESSION - IOGLB/FEDERAL MOU: This document was presented to the Board for review and comment. Director Howard discussed the document and the status of the review process. The Board requested changes and additions to the verbage of the MOU. Edits will be made by Director Howard and submitted back to the agencies for final review, and the MOU will be made available to the industry for comment. The Board will consider comments at their August Meeting. MSC (MOTION – JUDGE, SECOND – BERNT, UNANIMOUS) TO ADOPT THE MOU WITH CHANGES AND TO SEND OUT A DRAFT MOU FOR PUBLIC COMMENT.

ALLOCATION: Discussion with Ms. Leanne Reincke to review the IOGLB's policy with regard to the zoned allocation.

Meeting recessed at 5:00 PM and reconvened at 9:45 AM, Wednesday, June 25, 2003, with all members present. Also present were Executive Director Jake Howard, Enforcement Supervisor BJ Snooks, Board Counsel Steve Scanlin, LuVerne Grussing BLM, Grant Simonds IOGA Executive Director, and Secretary Kim Wallett.

OPERATING AREA ADJUSTMENT/SA7B - Salmon River Experience – Charles Boyd: Also present for this hearing was Greg Felton, employee of Charles Boyd. Mr. Boyd has disputed the decision of the Board to remove his SA7B access due to potential non-use. Director Howard presented exhibits to the Board detailing the letters sent to and information received from Salmon River Experience. Mr. LuVerne Grussing was asked to submit testimony on behalf of the BLM explaining why the limitations were being requested. He stated that this proposal has been presented to the Board and the Industry numerous times and at all times, comments were readily requested and accepted. Based on documentation presented by Mr. Boyd, the Board determined that Salmon River Experience has minimal use to satisfy Board concerns and to continue the license. MSC (MOTION BY BERNT, SECOND BY LYON- UNANIMOUS) TO GRANT LICENSE TO OPERATE ON SECTION SA7B FOR THE PURPOSES OF PROVIDING STEELHEAD FISHING ON THIS SECTION DURING THE OPERATING DATES ESTABLISHED BY BOARD RULE 059. LICENSE WILL BE REVIEWED PERIODICALLY FOR NON-USE AND OPERATING AREA ADJUSTMENT PURPOSES.

OPERATING AREA ADJUSTMENT/SA7B - Northwest Voyageurs – Andrew Nachman: Mr. Nachman is disputing the removal of SA7B due to the fact that he has recently purchased a lodge in that area prior to learning that he could lose this operating area. Director Howard presented exhibits to the Board detailing the letters sent to and information received from Northwest Voyageurs. Mr. LuVerne Grussing was asked to submit testimony on behalf of the BLM explaining why the limitations were being requested. He stated that this proposal has been presented to the Board and the Industry numerous times and at all times, comments were readily requested and accepted. Based on documentation presented by Mr. Nachman, the Board determined that Northwest Voyageurs has minimal use to satisfy Board concerns and to continue license.

MSC (MOTION BY LYON, SECOND BY FARR- UNANIMOUS) TO GRANT LICENSE TO OPERATE ON SECTION SA7B FOR THE PURPOSES OF PROVIDING STEELHEAD FISHING ON THIS SECTION DURING THE OPERATING DATES ESTABLISHED BY BOARD RULE 059. LICENSE WILL BE REVIEWED PERIODICALLY FOR NON-USE AND OPERATING AREA ADJUSTMENT PURPOSES.

ENFORCEMENT PRIORITIES DISCUSSION: The Board furthered previous discussions on enhancing the Enforcement Department abilities.

At 1:00 pm, Board member Lyon excused himself from the meeting.

MSC (MOTION BY JUDGE, SECOND BY FARR –UNANIMOUS) AT 1:30 PM TO ADJOURN.

With no further business to come before the Board, the meeting was adjourned at 1:30 PM, June 25, 2003.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, EXECUTIVE DIRECTOR