

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

MINUTES

June 14-16, 2004

**(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 8:28 AM PDT, MONDAY, JUNE 14, 2004, IN THE SHILO INN CONFERENCE ROOM, COEUR D'ALENE, IDAHO. VICE CHAIRMAN SCOTT FARR AND MEMBERS BILL BERNT, WILL JUDGE, AND RAY LYON WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, ENFORCEMENT CHIEF BJ SNOOKS, TECHNICAL RECORDS SPECIALIST LEANNE REINCKE, AND SECRETARY KIM WALLETT.

Review of Agenda and February Board Minutes: Director Howard reviewed the agenda and stated that some items during the meeting could be moved forward in order to conclude the meeting at an earlier time. The Board reviewed the minutes from the February meeting and noted that all previous comments had been incorporated.

MSC (MOTION BY JUDGE, SECONDED BY BERNT – UNANIMOUS) TO ACCEPT FEBRUARY BOARD MEETING MINUTES WITH NO CHANGES MADE.

STAFF REPORTS – Technical Records Specialist I – Leanne Reincke: Ms. Reincke presented reports detailing the outcome of new applications, amendment requests, and buy/sell agreements, that were completed since the February 2004 Board meeting. Ms. Reincke also presented information on the new applications, amendments, and buy/sells that are being processed at this time. She reviewed three applications that had been in the office for some time that have been closed out. Ms. Reincke spoke with the Board with regard to the 2004-zoned allocation and the status of voucher distribution. Ms. Reincke stated that IDFG has requested that the voucher expiration date of June 1 be changed to an earlier date and identified the third Wednesday in May as the preferred date. Ms. Reincke also mentioned that the Allocation manual has not been approved and therefore is not posted on the website at this time. Board members Farr and Judge will be presenting a proposal for a new process of recalculation and those changes will be incorporated into the manual prior to its approval. Director Howard also stated that he had spoken with Mr. Steve Huffacker, IDFG Director, and a meeting may be scheduled to discuss allocation issues with the regions. IDFG has also considered the possibility of going to a paperless allocation system.

Board Member Farr expressed his concern that Designated Agent applicants should be able to show knowledge and experience in operating a business in order to establish ability to maintain a viable outfitting business. He suggested that if the applicant is

unable to do this they may be asked to come before the Board so that the Board could interview them and determine their suitability as a Designated Agent. Director Howard stated this was discussed at the previous Board meeting and he was prepared to take that action. Ms. Reincke also stated that when the applicant is in relation to a sale of a business, Director Howard has asked that the new operator keep the current Designated Agent with the company for at least one year to assist the new outfitter/designated agent get started. She suggested that if the individual is unable to do this, IOGLB may request that a different or additional person apply for designated agent based on Mr. Farr's suggestion.

Board member Judge brought the Board's attention that the Turkey hunting assessment should occur after one more year and also requested that the review of that assessment be expedited in order to determine if expansion is warranted. It was determined that a letter will be prepared by the Director to the Boise, Payette and Nez Pierce and Clearwater National Forests that asks these Forest to "scope" outfitter opportunities for turkey hunting of federal lands. The Board asked the Director to indicate in that letter that the opportunities would be limited to existing outfitters who currently operate on federally permitted lands and who are licensed for Deer and Elk. This will be discussed further at the August Board meeting.

Coeur d'Alene River Review – Also present for this discussion were Joe Roope and Terry Bess, Castaway Flyfishing; Peter Grubb, ROW; Don Houk, Lake Charters; John Barker, Barker River Trips; Mary Price & Jack Dorrell, USFS; Ned Horner & Mark Gamblin, IDFG. Board member Judge presented the proposed rule changes that apply to the Coeur d'Alene River. The rule change resulted from a meeting that he and the Director had earlier in the year and which was presented during the April Board meeting. Board member Farr pointed out that the language for River section CD3 in an outline provide by Mr. Judge must be corrected to state that "Existing businesses may be sold", not "licenses". Mr. Roope & Mr. Houk presented some background with regard to their businesses and their activities on the Coeur d'Alene River and how their business on the Coeur d'Alene River were acquired from Mr. Richard Lindsay. The Board determined that a territorial conflict hearing would be conducted involving Mr. Roope and Mr. Houk to determine the extent of the rationale for them to be licensed on the Coeur d'Alene River that would include a review of the transaction with Mr. Lindsay. Director Howard suggested that this hearing be scheduled during the December or February Board meetings. The Board agreed.

Recessed for lunch @ 12:06 PM PDT and reconvened at 1:21 PM PDT with Vice Chairman Scott Farr, and members Bill Bernt and Will Judge present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Chief BJ Snooks, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

Show Cause Hearing – Vogel Outdoor Adventures, Don Vogel, Designated Agent – Also present for this hearing was Dave Dokken, Attorney for Mr. Vogel and Vicky Vogel. This hearing was conducted with regard to Mr. Vogel's non-use on SA7 A&B. Mr. & Mrs. Vogel presented information to explain to the Board why they had not been using that section of river up to this point in time and request a waiver of non-use for the

past years. They expressed that when they purchased their cabin in 1999, the deterioration was so extreme that it was unsafe and unhealthy to bring clientele in until renovations had been made. Most of the renovations are now complete and Vogel Outdoor Adventures has begun to advertise and attend Outfitter shows to obtain new clientele for their lodge. Board Member Bernt stated that the Board feels that the issue of non-use is very clear based on previous records and any application for a waiver should be based on what they will do in the future.

MSC (MOTION BY BERNT, SECONDED BY LYON – LYON, BERNT, FARR - YEA; JUDGE - NO) THAT SA7A & B WILL BE REMOVED FROM THE LICENSE OF VOGEL OUTDOOR ADVENTURES AND THAT THE NON-USE STANDARD BE UPHELD. THAT VOGEL OUTDOOR ADVENTURES CAN REAPPLY FOR THE AREA OF INTEREST.

Board Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, **MSC (MOTION BY LYON, SECOND BY JUDGE – FARR, JUDGE, BERNT, LYON, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 3:20 PM PDT TO DISCUSS LITIGATION MATTERS. MSC (MOTION BY LYON, SECOND BY BERNT – FARR, JUDGE, BERNT, LYON, - YEA) AT 3:40 PM PDT TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.**

Clearwater Management Council – Mike Ball, BLM – Mr. Ball gave the Board a brief history on how the Council was formed and the services they provide along the Clearwater corridor. Mr. Ball stated that he is a BLM employee that is involved in all aspects of the Council and that he would serve as the Clearwater Management Council River manager. Acting Board Chairman Farr stated that he felt the Board would be very reluctant to support the Clearwater Management Council as a permitting authority and questioned their legal authority. Mr. Farr pointed out a recent legal opinion letter sent to the Clearwater Management Council River by the Idaho Outfitters and Guides Association's Attorney and asked Board Attorney Scanlin if he has reviewed that letter. Mr. Scanlin stated that he had and that he concurred with the original opinion. Mr. Farr stated that he believes that the Board would expect a response to the letter before they would recognize the Clearwater Management Council. Mr. Ball stated that Council had received the letter and he expected that they respond. Mr. Ball stated that he does not believe the Commissioners will move forward with the proposal without the Board's support. He also indicated that the Commissioners will be holding additional meetings to attempt to obtain a level of cooperation that the Board would be amenable to.

Meeting recessed at 5:00 PM PDT and reconvened at 8:30 AM PDT, Tuesday, June 15, 2004, with Vice Chairman Scott Farr, and members Bill Bernt, Will Judge, and Ray Lyon present. Also present were Executive Director Jake Howard, Enforcement Chief BJ Snooks, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

DIRECTOR HOWARD – AGENDA REVIEW: Director Howard told the Board that it did not appear that John Bendixsen would appear regarding his appeal of a previous Board decision to revoke his designated agent license. The Director also stated that Mr. Jeppson contacted him and stated that he would not be able to appear in person but would

be available via teleconference. The Director advised the Board that the speakerphone available at the hotel was not capable of handling that matter. At the Director's recommendation this matter was tabled until the August meeting, Mr. Jeppson was contacted and agreed to appear during the August meeting.

Director Howard suggested that the staff report of BJ Snooks be moved forward to follow the Director's report and the Tag Allocation discussion be moved to replace the hearing of Monumental Outfitters. The Board agreed to make these changes.

DIRECTOR'S REPORT – Executive Director, Jake Howard: Director Howard reviewed the financial report, the licensing report and the probationary licenses report with the Board. Mr. Howard stated that the licensing is well ahead of previous years and that the majority of licenses are being issued within one day. He said that it appeared that the number of licenses were down slightly which would affect agency revenues and the 2004 / 2005 operating budget. The Board and the Director had an extended discussion on this matter. The Board indicated that they would like more money spent on Enforcement. The Director stated that he and Enforcement Chief Snooks had already discussed this and we headed in that direction. The Director reminded the Board that reduced revenues affected all operational budgets, and that there was very little flexibility in the office budget without cutting full time staff or the Board's budget without cutting Board meetings. He stated that he had already eliminated one part time position from the office budget to reduce costs. He said that if additional cuts became necessary then they will be looked at across the board although the Enforcement budget has had the most flexibility. He said that the fee increase going into effect in January will help and with other operational improvements, that he can hopefully make in the future, additional funds may be able to be diverted to enforcement activities. The Director stated that with revenues as they are currently the agency cannot reach the full spending authority granted to them by the Legislature without depleting their free fund balance. He said that will not change even with the fee increase being implemented. He also explained to the Board that with regard to the financial report, the fiscal year ends at the end of the month and that he will have a better sense of where they are at that time.

Booking Agents: The Board asked Director Howard, Chief Snooks and Board Attorney Scanlin to present at the August Board meeting, a proposal on how to further deal with the booking agent situation within the state. The Board feels that guides should only be allowed to book trips for their outfitter provided that all monies and other paperwork are received and processed by the outfitter. The guide should not accept funds before the trip unless the funds were in the form of a check made payable to the outfitter. Guides would be able to accept cash tips at the conclusion the trip. The Board felt that all booking agents should be required to hold a separate business license and accept funds for the outfitter.

APPOINTMENT – GLASSY POINT OUTFITTERS – JOHN & PAULA BENDIXSEN: Mr. & Mrs. Bendixsen did not appear before the Board for this matter. Director Howard informed the Board that Mrs. Bendixsen, based on the Board's consideration of the overall matter, had sold the remaining Glassy Point Outfitters business to Tapadera, LLC, Jay Hamilton, Designated Agent, and that the Forest Service

has issued a permit to that effect. The Director stated that Mrs. Bendixsen negotiated the sale through him, in lieu of her appearing before the Board on charges previously filed. Director Howard stated that he was prepared to issue the license to Tapadera provided there are no objections from the Board. The Board instructed Director Howard and IOGLB Staff to move forward with the licensing of Tapadera, LLC. Director Howard also made note that the fines and costs assessed by the Board to Mr. Bendixsen had been paid as part of the agreement. The Director recognized that Mr. Bendixsen had failed to appear or respond to his notice to appear on his appeal. Board Attorney stated that the appropriate number of days to appeal the prior action had passed and the matter was moot.

STAFF REPORTS – Enforcement Report – BJ Snooks – Enforcement Supervisor:

Also present for this discussion were Enforcement Agents Bill Snow and Joe Blackburn. Mr. Snooks presented reports to the Board showing current cases being worked, cases that have been closed and the updated summary for the year. Mr. Snooks stated that he has met with the agents in the Northern part of the State in the previous month. He and his agents statewide are currently working many cases that will be presented to the Board at future meetings. Agent Snow requested that the Board notify the outfitters licensed on the Clearwater of the proposed changes to the definition of the River Sections CL1, CL2, & CL3. Director Howard state that all outfitters have been provided an email or a postcard informing them of the rule changes including the CL1, CL2 and CL3 changes.

Recessed for lunch @ 12:00 PM PDT and reconvened at 1:25 PM PDT with Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Board Attorney Steve Scanlin, Enforcement Supervisor BJ Snooks, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

CLEARWATER RIVER PRESENTATION: Also present for this discussion were Ed Schriever & Mark Gamblin, IDFG Fisheries Managers; Enforcement Agents Bill Snow & Joe Blackburn; and Evelyn Kaide, The Guide Shop. Mr. Schriever appeared before the Board to discuss the role that outfitters play in fishing opportunities on the Clearwater River particularly with role in managing the Salmon/Steelhead fisheries. He spoke with the Board about the possibility of clarifying the outfitter use of the Clearwater River. Attached to these minutes is a letter that Mr. Schriever prepared to supplement these minutes in order to clarify the IDFG's concerns.

ENFORCEMENT CHIEF BJ SNOOKS – DENIAL HEARING – TERRY

EDELMANN: Also present for this hearing were Enforcement Agents Bill Snow, Joseph Lewis, and Joe Blackburn, and Mr. Jake Hood. Mr. Snooks referred this matter to the Board for decision. Mr. Edelmann appeared before the Board with regard to a conviction for guiding without a license in California in 1999. Mr. Edelmann explained to the Board that this matter occurred due to non-payment of child support and suspension of his license. He stated that the matter has now been resolved and he is currently licensed to guide in numerous other states. Mr. Snooks recommended to the Board that Mr. Edelmann be issued a standard probationary one-year license to guide in the state of Idaho and cost recovery in the amount of \$160.00.

MSC (MOTION BY LYON, SECOND BY JUDGE– UNANIMOUS) TO ISSUE THE LICENSE AS RECOMMENDED BY MR. SNOOKS AND WITH NO RESTRICTIONS ON AMENDMENTS.

ENFORCEMENT CHIEF BJ SNOOKS – DENIAL HEARING – ERROL

MOBLEY: This hearing was conducted via teleconference as Mr. Mobley waived his right to timely notice and was unable to appear in person. This matter was brought before the Board due to non-disclosure of a violation of Fish and Game laws on his application. Mr. Mobley was charged with possession of unlawfully taken wildlife in 1988. Mr. Mobley stated that he was told that he did not need to disclose the matter after ten years. Mr. Snooks recommended to the Board that Mr. Mobley be issued a standard probationary one-year license to guide in the state of Idaho and cost recovery in the amount of \$153.00.

MSC (MOTION BY JUDGE, SECOND BY BERNT – UNANIMOUS) TO ISSUE THE A STANDARD PROBATIONARY LICENSE WITH NO RESTRICTIONS ON AMENDMENTS. COST RECOVERY IN THE AMOUNT OF \$153.00.

ENFORCEMENT CHIEF BJ SNOOKS – STIPULATION – LYNN TOMLINSON:

Mr. Snooks presented a stipulation supplied and signed by Mr. Tomlinson and Mr. Steve Tobiason, Board Prosecuting Attorney. Mr. Tomlinson was charged through an administrative complaint with Conviction of State Fish and Game Law and Unethical or Unprofessional Conduct, which are both violations of the Idaho Outfitters and Guides Statues and Rules. This stipulation states that in admitting to Count I, Count II will be dismissed and no further prosecution will occur before the Board. Fines and probation will be assessed per the agreement.

MSC (MOTION BY JUDGE, SECOND BY BERNT – JUDGE, FARR, BERNT – YEA; LYON – ABSTAIN) TO ACCEPT THE STIPULATION OF MR. LYNN D. TOMLINSON. MR. TOMLINSON TO PAY A FINE IN THE AMOUNT OF \$1,000.00 TO BE PAID \$333.00 AT TIME OF SIGNATURE AND \$667.00 WITHIN 90 DAYS OF ACCEPTANCE. A TWO-YEAR PROBATIONARY LICENSE TO BE ISSUED.

STEVE TOBIASON – SHOW CAUSE HEARING – MONUMENTAL

OUTFITTERS, JERRY JEPPSON: Mr. Jeppson notified IOGLB that he would be unable to attend. Also, due to the lack of speakerphone capability previously noted, the matter was continued to the August meeting.

Meeting recessed at 5:00 PM PDT and reconvened at 8:30 AM PDT, with Vice Chairman Scott Farr, and members Bill Bernt, Will Judge, and Ray Lyon present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, Enforcement Chief BJ Snooks, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

Appointment – Northern Idaho High Country Outfitters Sale – Cross & Clemenson:

Also present for this discussion: Brent Fitchett, current owner, and Vern Clemenson. Director Howard presented the application and sales agreement submitted by Cross &

Clemenson, LLC. In review of the sales agreement, Board Council Scanlin pointed out that the Forest Service permit is not transferable and wording may need to be removed or revised in the Sales Agreement. The Sales Agreement also cannot obligate the Board to honor the contract in the case of a default. Director Howard asked whether this could be addressed in a letter to both parties and Mr. Scanlin stated that it could and the Board agreed to clarify this matter this way. BJ Snooks, Enforcement Chief, provided the Board with a list of current cases that he has been notified of with regard to Northern Idaho and the monies and services owed to various persons. Board member Farr stated that the new operator would not be held under any obligation to honor these clients however Mr. Cross stated that they intended to honor all but the lifetime hunt contracts. Director Howard pointed out that the Board Attorney Scanlin had determined that the lifetime hunt contracts were not legal and were not the responsibility of Mr. Fitchett or Cross and Clemenson.

Application Review – Travis Clemenson: The Board interviewed Mr. Clemenson to determine ability to operate a viable business and knowledge of hunting practices. Mr. Clemenson explained to the Board that he has been hunting since approximately 12 years old and is fairly familiar with Unit 4 although he will be spending time in the proposed operating area prior to taking clients to the area. He stated that business practices are also fairly new to him but that they have hired additional office personnel with extensive training as well as computer software to assist him in that aspect (i.e. accountants).

BJ SNOOKS – DENIAL HEARING – LARRY CROSS: Also present for this hearing were Vern & Travis Clemenson and Brent Fitchett. Mr. Cross waived his right to the hearing at 10:15 am PDT and the hearing was held at 9:15 am PDT. Mr. Cross appeared before the Board for denial of the Designated Agent application for a fish and game violation and violation of a Board rule. Mr. Snooks recommended that if Mr. Cross were to be issued license that it be a standard probationary one-year license and recovery costs in the amount of \$206.00. The Board expressed concern with Mr. Cross's background and previous record with the Board but felt that his experience as an outfitter would be beneficial in light of Mr. Clemenson's inexperience. They felt that enough time had passed that Mr. Cross could be given an opportunity

MSC (MOTION BY JUDGE, SECOND BY BERNT – UNANIMOUS) TO ACCEPT SALES AGREEMENT SUBMITTED BY CROSS & CLEMENSON, LLC AND ISSUE AN OUTFITTER LICENSE FOR THEM AND A DESIGNATED AGENT LICNENSE FOR TRAVIS CLEMENSON.

MSC (MOTION BY LYON, SECOND BY BERNT – UNANIMOUS) TO ISSUE PROBATIONARY DESIGNATED AGENT LICENSE FOR A THREE-YEAR PERIOD FOR LARRY CROSS WITH NO RESTRICTIONS ON AMENDMENTS. ASSESS COST RECOVERY IN THE AMOUNT OF \$206.00. ALSO, A LETTER OF INSTRUCTION SHALL BE WRITTEN TO MR. CROSS, TO PROVIDE THE BOARD'S INSIGHT ON PREVIOUS MATTERS.

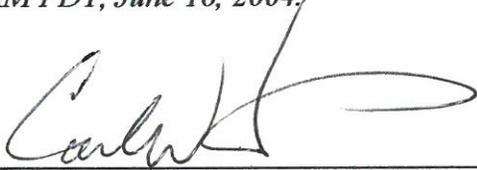
Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY LYON, SECOND BY JUDGE – FARR, JUDGE, BERNT, LYON, -

YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 10:06 AM PDT TO DISCUSS LITIGATION MATTERS. MSC (MOTION BY LYON, SECOND BY BERNT – FARR, JUDGE, BERNT, LYON, - YEA) AT 10:28 AM PDT TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

TAG ALLOCATION DISCUSSION – BOARD MEMBERS FARR & JUDGE:

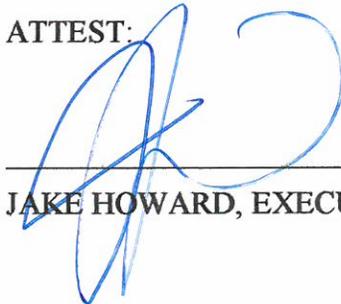
Board member Farr provided the other Board members and IOGLB staff with a proposed change for recalculating zoned allocation. This proposal states that the factor formula would only be used in establishing allocation in a newly restricted zone. Recalculations would be based solely upon use during the previous five years with remaining tags available in the zone utilized to attempt to reach an average that would be applied as a minimum allocation for each outfitter within the zone. This proposal will not affect how outfitters trade tags or request additional through a waiting list. The Board instructed IOGLB staff to use this system on existing information to test the validity of the proposal. The Board asked that Director Howard and Leanne Reincke schedule a meeting with Craig Wiedmeier, IDFG, to further discuss zoned allocation matters.

With no further business to come before the Board, the meeting was adjourned at 11:45 AM PDT, June 16, 2004.



WAYNE HUNSUCKER, CHAIRMAN

ATTEST:



JAKE HOWARD, EXECUTIVE DIRECTOR