

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

**MINUTES**

**November 29 – December 1, 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 8:31 AM, MONDAY, NOVEMBER 29, 2004, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. CHAIRMAN WAYNE HUNSUCKER, VICE CHAIRMAN SCOTT FARR AND MEMBERS BILL BERNT, AND RAY LYON WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD COUNCIL STEVE SCANLIN AND SECRETARY KIM WALLET.

**Review of Agenda and August Board Minutes:** Director Howard reviewed the agenda with the Board. Director Howard explained that the original agenda was adjusted due to a request for a continuance by Rusty Bentz. He explained that this matter was continued to the February Board meeting and will be addressed at that time. He also stated that due to this change, the director's report and other matters were rescheduled.

MSC (MOTION BY FARR, SECOND BY BERNT – UNANIMOUS) TO ACCEPT AUGUST AND OCTOBER BOARD MEETING MINUTES WITH NO CHANGES MADE.

Board Member Will Judge arrived at 9:10 am.

**New Applicant Deferral Appointment – Joe Baugh, Payette Lakes Alpine Yurts:** Also Present for this discussion were Leanne Reincke, Technical Records Specialist; Kim Apperson; Marty Rood, Outfitter; Becky Johnstone, Valley County Snowmobile Groomer Advisory Committee; Tom Kerr, Valley County Commissioner; Sandra Mitchell, Public Lands Director; Sheldon Keafer, ID Department of Lands; Todd Wernox, ID Parks & Recreation; and Gary Elliott, USFS. Mr. Baugh presented maps, photos and an explanation of the areas that he is applying to operate in. Mr. Hunsucker expressed that Mr. Baugh should also contact the Department of Transportation with regard to providing transportation of clients to and from the trail heads without actually providing guided activities on Forest Service lands. Mr. Baugh expressed that he is not interested in becoming a Back Country Ski operation at this time. His main objective is to establish the yurts (huts) with mostly guided skiing activities. He expressed that the snowmobile use would be for sight seeing and not guided. Mr. Keafer expressed that multiple people could lease the state land while providing different opportunities and that would be reviewed by ID Department of Lands. All applicants would need to apply before the Board if providing guided activities. Mr. Kerr stated that the concern that Valley County has is where Mr. Baugh is going to parking his vehicles. Parking cannot happen in the right-of-way or they will be towed. Mr. Elliott expressed that the USFS is in the process of going through a new forest plan.

MSC (MOTION BY FARR, SECOND BY JUDGE, UNANIMOUS) TO APPROVE THOSE PARTS OF MR. BAUGH'S APPLICATION THAT FALL UNDER THE JURISDICTION OF THE BOARD. (YURT SNOWSHOEING, LEVEL 1 SKIING)

**DIRECTOR'S REPORT – Executive Director, Jake Howard:** Director Howard told the Board that there were not any current issues with personnel. Director Howard reviewed the financial report, the licensing report and the probationary licenses report with the Board. He indicated that amounts of issued licenses for all license types are equal to or are above last year's totals and will probably set new licensing records this year. Director Howard also expressed that the financial status of IOGLB is on track. He explained that prosecution legal fees for Mr. Tobiason are taken from the Board budget effective this year. In contrast, Mr. Scanlin's costs remain to be paid from the Office budget. Board Member Bernt inquired as to the seemingly higher expenditures in some months. Director Howard explained that this occurs due to how the payroll schedule falls on the calendar. Most months have two pay periods; however, there are two months each year that have three. Director Howard stated that the probationary license report, previously given by him, will become part of a consent agenda item to be discussed during Mr. Snook's staff report later in the meeting.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY LYON, SECOND BY BERNT – HUNSUCKER, FARR, JUDGE, LYON, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 11:30 AM TO POTENTIAL LITIGATION MATTERS. MSC (MOTION BY LYON, SECOND BY JUDGE – HUNSUCKER, FARR, JUDGE, LYON, BERNT - YEA) AT 12:10 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

*Recessed for lunch @ 12:10 PM and reconvened at 1:17 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Chief BJ Snooks, and Secretary Kim Walllett.*

**DENIAL HEARING – CHARLES G. RAINS:** Also present was George Duncan, Duncan Outfitters. Mr. Rains appeared before the Board due to felony convictions received in 1992. He explained that he is a registered sex offender and that he will be on parole for 9 more years. Mr. Rains had applied to guide hunting activities for George Duncan. Mr. Tobiason presented documents that further explained to the Board the crimes that were committed by Mr. Rains. Mr. Rains expressed remorse to the Board and stated that he will not be guiding anyone under the age of 18 or female due to the nature of his crimes. He also stated that his parole officer and members of the community have expressed their support in his being licensed. Mr. Duncan told the Board that he had known Mr. Rains for many years and although he was very familiar with the crimes committed, he did not object to hiring him as a guide. He also expressed that he was well aware of the fact that he, as the outfitter, would be responsible for Mr. Rains' actions and therefore would not put him in any situation that might cause problems.

MSC (MOTION BY LYON, SECOND BY JUDGE – UNANIMOUS) TO SUSTAIN THE DECISION OF THE EXECUTIVE DIRECTOR TO DENY THE LICENSE OF MR. CHARLES RAINS. THIS DENIAL WILL BE IN EFFECT FOR THE DURATION OF HIS

PAROLE, WHICH IS SCHEDULED TO BE IN EFFECT UNTIL 2012. MR. RAINS CAN REAPPLY AT THAT TIME.

**STAFF REPORTS – Technical Records Specialist I – Leanne Reincke:** Also present for this discussion was Grant Simonds, IOGA Director. Ms. Reincke presented reports detailing the current status of new applications, amendment requests, and buy/sell areas that were completed since the August 2004 Board meeting. **Outfitter Tag Allocation** - She presented information with regard to outfitter tag allocation status. **SA6 Fishing** - The Board discussed the licensing of new outfitters for salmon and steelhead fishing on the Salmon River and specifically Steve Shepard who recently sold his business to S.R.O. The Board directed Mr. Howard to discuss with the North Fork Ranger District that all outfitters licensed with (5f) on the SA6 section of the Salmon River (Corn Creek to Vinegar Creek) are licensed for anadromous fishing and that individual business purchasing these existing businesses should be permitted and licensed for anadromous fishing as well. They directed Mr. Howard to straighten this out S.R.O license as appropriate. They felt that S.R.O. should have anadromous fishing on SA6. Director said that he did not recall the specifics on why anadromous fishing was not included during the sale but that he remembers that there were issues expressed by both BLM and the USFS with Mr. Shepard's permit and that fishing could have been one of the considerations. He said that he would look in to the matter. **Technical Advisory Committee** - Ms. Reincke presented a list of the applicants for the Technical Advisory Committee (TAC). She indicated that Director Howard and her had reviewed the resumes and applications and were recommending the first three persons on the list. Ms. Reincke stated that there is currently one outfitter and one non-outfitter on the TAC and that the appointment would result in two outfitters and three non-outfitters in order to achieve a balance if one or more committee members are unavailable. The Board agreed with the recommendation of mixing members on the committee.

MSC (MOTION BY JUDGE, SECOND BY LYON – UNANIMOUS) TO APPROVE THE FIRST THREE APPLICANTS LISTED BY MS. REINCKE TO BE APPOINTED TO THE TECHNICAL ADVISORY COMMITTEE. THOSE APPLICANTS ARE MARK BAUMGARDNER, DANA OLSON, AND MICHAEL BEISER.

The Board directed staff to use the previous allocation numbers for Middle Fork and Selway zones for this year and write a letter of clarification for those letters that went out prematurely to outfitters in the zones. They also directed IOGLB staff to prepare a generic worksheet for use as an example at the IOGA meeting next week. The new policy that will go into effect this year will only change how the voucher distribution is managed; except in the Lolo Zone where there is five years of complete data. The allocation figures in the other zones will not change until there are five-years of recap information for each zone. At that time, the recalculation will occur and the outfitters will be notified of the new allocation.

*Meeting recessed at 5:18 PM and reconvened at 8:31 AM, Tuesday, November 30, 2004, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.*

**STAFF REPORTS – Technical Records Specialist I – Leanne Reincke – Cont.:** Also present was Grant Simonds, IOGA Director. Director Howard gave the Board a copy of an email that

had been previously sent and detailed the proposed language submitted to the IDFG Commission for placement in the Regulations as it applies to outfitter controlled hunts. The Board discussed the possibility that the outfitter should submit the application for controlled hunt for their clients. It was determined that this would not be an option and that the outfitter will only be responsible for purchasing the permit and tag for the client using the certification form provided by IOGLB. The Board also discussed the policy for criteria used for overriding trophy hunt amendments. The Board directed IOGLB staff to incorporate the changes based on this discussion into the *Amendment/One-Time Controlled Hunt User Manual* section 5 as policy and to pursue a rule change during the 2005 rule package to be initiated during the Spring of 2005.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY BERNT – HUNSUCKER, FARR, JUDGE, LYON, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 11:02 AM TO DISCUSS LITIGATION MATTERS. MSC (MOTION BY BERNT, SECOND BY LYON – HUNSUCKER, FARR, JUDGE, LYON, BERNT - YEA) AT 12:11 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

MSC (MOTION BY JUDGE, SECOND BY – UNANIMOUS) TO ACCEPT THE PROBATIONARY LICENSE REPORT PRESENTED BY ENFORCEMENT CHIEF BJ SNOOKS.

MSC (MOTION BY FARR, SECOND BY JUDGE – UNANIMOUS) ANY FUTURE PROBATIONARY LICENSES WILL BE ISSUED UNTIL THE END OF THE CURRENT LICENSE YEAR, BUT WILL NOT BE ISSUED FOR LESS THAN 6 MONTHS. THE TIME FRAME WILL BE DETERMINED AS DEEMED NECESSARY BY THE EXECUTIVE DIRECTOR.

The Board requested that Director Howard begin preparing a consent agenda for the Board to review at least one week prior to Board meetings rather than continuing with extended reports by Mr. Snooks, Ms. Reincke and himself. The consent agenda item would include information associated with various administrative procedures. The Board also asked Mr. Howard to prepare a draft Board Orientation Manual that will allow guidance to new and existing Board members. Director Howard said he would try to have this ready for a brainstorming session in February or April.

Director Howard presented the minutes from the Board conference call held in November to approve the rules. Board Member Lyon expressed that the term “Hungarian” Partridge needs to be changed to “Grey Partridge (Hungarian)”. This is the proper terminology for this bird.

MSC (MOTION BY LYON, SECOND BY BERNT – UNANIMOUS) TO APPROVE THE NOVEMBER CONFERENCE CALL MINUTES WITH CHANGES MADE AS DISCUSSED.

*Recessed for lunch @ 12:07 PM and reconvened at 1:35 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Technical Records Specialist Leanne Reincke, Board Council Steve Scanlin, Enforcement Chief BJ Snooks, and Secretary Kim Wallett.*

**PROSPECTUS – SNOWMOBILE TOURS – INTERVIEWS:** Present for this discussion was Ed Cannady, USFS. Mr. Cannady explained this snowmobile prospectus to the Board. He presented a map that showed the trails that will be used for this opportunity. Mr. Cannady told the Board that the two opportunities are available due to previous outfitters relinquishing their licenses and permits for the area. Due to the fact that all three applicants requested the Stanley opportunity, Mr. Cannady expressed the Forest Service's desire to only issue one license at this time and continue the application process for the Wood River side of the opportunity.

**Scott Williams, Williams Motor Sports:** Scott Williams and Dee Williams were present.

**Brett Woolley, Bridge St. Works:** Present was Brett Woolley.

**Back Country LLC, Forrest Hymas:** Present was Forrest Hymas.

The Board directed Mr. Howard to contact the USFS with the intent of contacting the successful applicants and offer an opportunity to operate in Stanley as well as an opportunity to operate in Smiley Creek and Wood River. The Board also directed Mr. Howard to discuss the potential of a third permit in this area with the USFS. The Board told Mr. Howard to express their preference to the USFS. The preference is that two licenses be issued in the Stanley Basin area while one additional license be issued for the Wood River Valley area outlined in the prospectus.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY LYON – HUNSUCKER, FARR, JUDGE, LYON, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 2:02 PM TO DISCUSS APPLICATIONS. MSC (MOTION BY BERNT, SECOND BY LYON – HUNSUCKER, FARR, JUDGE, LYON, BERNT - YEA) AT 4:18 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

MSC (MOTION BY FARR, SECOND BY LYON – UNANIMOUS) THE RESULTS OF THE EVALUATION PROCESS CLEARLY INDICATED THAT THE SELECTEE BE SCOTT WILLIAMS.

**APPOINTMENT – WALK LOCKE, AND JAMES DEKLEINHANS:** Mr. Locke and Mr. Dekleinhans appeared before the Board to express concern that allowing guiding for upland game and waterfowl would not be in the best interest of the Idaho Sportsmen. He told the Board that he felt that there seems to be an excess of potentially illegal outfitting and guiding for waterfowl and other upland game birds. The Board explained to Mr. Locke that they does not license outfitters to provide waterfowl guided hunts except for four licensees who were grandfathered-in previously and the only upland game licenses issued are strictly issued to only to outfitters to guide upland game hunter on existing IDFG game preserves. Chairman Hunsucker indicated that chukar and forest grouse hunting is not considered upland game and explained they are minor activities only licensed to boating outfitters or big game outfitters operating in remote areas.

The Board asked Mr. Locke to contact Mr. BJ Snooks, Enforcement Chief any time he questioned an operator's legality. They clarified that all but one of the outfitters brought up in the meeting were in fact licensed with bird hunting incidental to another activity. The one exception was an individual that the Board was already aware of and who is currently under investigation.

*Meeting recessed at 5:36 PM and reconvened at 8:37 AM, Wednesday, December 1, 2004, with Vice Chairman Scott Farr, and members Bill Bernt Will Judge, and Ray Lyon present. Chairman Hunsucker was not in attendance for the final day of the meeting. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Chief BJ Snooks, and Secretary Kim Wallett.*

**SHOW CAUSE HEARING – JEFF JARRETT:** Mr. Jarrett did not appear before the Board. This matter concerned one count of Unethical or Unprofessional Conduct and/or Violation of a Lawful Rule. Mr. Tobiason presented a Stipulation and Consent Agreement for Informal Disposition signed by Mr. Jarrett. Mr. Jarrett agreed to pay costs to the Board, refund fees to the client, and provide a letter of apology to the client and submit copies to the Board.

MSC (MOTION BY JUDGE, SECOND BY BERNT – JUDGE, BERNT, LYON – YEA; FARR - NO) TO ACCEPT THE STIPULATION AS PRESENTED BY MR. TOBIASON. DIRECTOR HOWARD SHOULD PREPARE A LETTER OF CAUTION TO MR. JARRETT.

The Board directed Mr. Howard to briefly discuss how to handle donated trips at the upcoming IOGA meeting.

**STAFF REPORTS – Enforcement Report – BJ Snooks – Enforcement Supervisor:** Mr. Snooks told the Board that he spoke with the Coast Guard recently. He was told that the matter is currently in review and the Lt. Gilmore is pushing to have it in place prior to summer 2005. Board members Bernt and Lyon suggested requesting that the IOGA's legislative representative prepare a letter to the Coast Guard. The Board also instructed Mr. Snooks and Director Howard to prepare a letter from the Board.

Mr. Snooks presented information with regard to the status of current and closed cases. He indicated that licensing remains the most cases that have been opened. The rest of the cases were unlicensed outfitting/guiding, conduct, and noncompliance respectively. He also stated that 28% of the cases opened are determined to be unfounded. Mr. Snooks expressed that it has been difficult to coordinate the enforcement staff and maintain the caseload.

Board member Farr stated that he would like to look into establishing jurisdiction over guide schools. Director Howard said that this would probably require new legislation and that it is currently being looked at for the 2005 statute and rules package. The Board also discussed whether or not a "packer" needed to be licensed as a guide. After discussion and review of the IOGLB Laws & Rules, it was determined that if a person is hired as a "packer" by an outfitter and that person is not assisting clients in any way, they do not have to be licensed as a guide. However, if the person/packer is guiding the clients or assisting in any other capacity, they must be licensed to guide.

**SHOW CAUSE HEARING – ANDRE & AMON MOLSEE:** This matter is concerning simultaneous counts of Unethical or Unprofessional Conduct and/or Violation of a Lawful Rule for both Andre and Amon Molsee. Messrs Molsee allegedly operated an all terrain vehicle on or near a forest service road that was closed to motorized traffic. Mr. Tobiason expressed that Mr. Andre Molsee would stipulate to both counts in the administrative complaint. Mr. Amon Molsee would stipulate to Count 1 of the complaint and Mr. Tobiason would agree to drop Count 2. Mr.

Tobiason did express to the Board that there were prior forfeitures for each of the respondents. Andre Molsee expressed that he has experienced difficulty with the Forest Service in the past and that this matter has exacerbated the difficulty.

**MSC (MOTION BY LYON, SECOND BY JUDGE – UNANIMOUS) TO ASK FOR COST RECOVERY NOT TO EXCEED \$300. A LETTER OF INSTRUCTION TO BE SENT EXPLAINING THAT ANY FURTHER VIOLATIONS WILL BE DEALT WITH SIGNIFICANTLY. PROBATION WILL NOT BE ASSESSED.**

***Recessed for lunch @ 12:03 PM and reconvened at 1:25 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt and Ray Lyon present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Enforcement Supervisor BJ Snooks, IOGA Executive Director Grant Simonds, and Secretary Kim Wallett.***

**DEFERRAL DESIGNATED AGENT HEARING – S&A ENTERPRISES, SCOTT DENNY, OUTFITTER:** Scott Denny, Brent Sorenson, and Dale Denney appeared before the Board via telephonic conference call. This matter was brought before the Board due to concerns with the Designated Agent applications received by Dale Denney and Brent Sorenson. Mr. Scott Denny explained that his intent was to hire Dale Denney as employees to assist in bookings and accommodating clientele during their hunts. Both Mr. Dale Denney and Mr. Sorenson would act as guides for S & A Enterprises. The Board directed Mr. Howard to grant the license for Dale Denney and prepare a letter explaining the Board's concerns with possible third party and other related matters. Director Howard is to also grant the license for Brent Sorensen upon successful completion of the Outfitter Exam.

**GIS UPDATE – BART BUTTERFIELD:** Bart introduced Tim Williams and Brent Thomas from IDFG. These gentlemen are digitizing and preparing the area descriptions into the GIS System. Mr. Williams explained that approximately half of the licensed operating areas have been digitized at this time. Mr. Thomas presented information on the database being created to house all of the information for the system and explained the different searches that can be done once the system is available for use.

**WORK SESSION – Combo Licenses:** Director Howard presented a breakdown of the combination licenses that are currently under review. It was briefly discussed how combination licenses should be handled. Director Howard also explained that this matter needs to be further discussed and the Board tabled it to the February Board Meeting.

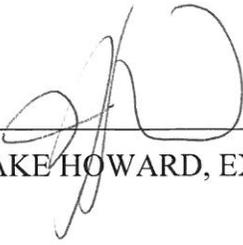
*With no further business to come before the Board, the meeting was adjourned at 4:14 PM, December 1, 2004.*

  
WAYNE HUNSUCKER, CHAIRMAN

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IOGLB Board Meeting  
November 29 – December 1, 2004

ATTEST:

  
2-23-05  
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JAKE HOWARD, EXECUTIVE DIRECTOR