

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

**MINUTES**

**April 25-28, 2005**

**(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, APRIL 25, 2005, IN THE CONFERENCE ROOM, CHALLIS RANGER DISTRICT OFFICE, USFS, CHALLIS, IDAHO. CHAIRMAN WAYNE HUNSUCKER, VICE CHAIRMAN SCOTT FARR AND MEMBERS BILL BERNT, WILL JUDGE, AND RAY LYON WERE IN ATTENDANCE. ALSO PRESENT WAS EXECUTIVE DIRECTOR JAKE HOWARD.

**REVIEW OF AGENDA:** Director Howard reviewed the agenda and stated that the work session scheduled for April 25<sup>th</sup> would be held later in the meeting due to scheduling problems.

**OUTFITTED UPLAND GAME AND WATERFOWL HUNTING - KARL AMONSON – LEMHI VALLEY EXPEDITIONS:** Also present were Karl Amonson, James Harris, and Matt Pennington, Lemhi Valley Expeditions; Rob Jagers, Salmon/Challis District Office, BLM; Martin and Almira Capps; Gary Power, Idaho Fish and Game Commission; and Jim Lukens, Salmon Region Supervisor, Idaho Department of Fish and Game. Mr. Amonson asked the Board to explain its policy why outfitters could not be licensed for upland game and waterfowl on public lands. Chairman Hunsucker said that the Board's policy does not allow the licensing of outfitted upland game (pheasants and quail) hunting on public lands or on private land with the exception of private shooting preserves. He said that outfitted chukar hunting is limited to boating outfitters and land-based outfitters operating in remote backcountry locations and grouse hunting is associated with big game outfitters. He said that this is primarily in response to the Idaho Department of Fish and Game's concerns that licensing outfitters for these activities would inhibit public availability of upland game hunting opportunities statewide. He said that pheasants and quail are generally concentrated in areas on or near private lands and the Board understands that making it possible where those concentrated areas could be dominated by outfitters would not set well with the public. Gary Power who is a member of the Idaho Fish and Game Commission echoed Chairman Hunsucker's comments. Mr. Harris said that he felt that outfitting upland game on private lands would allow for additional public opportunities in the Lemhi Valley and could not understand why it could not be done in Lemhi County. Jim Lukens said that he has had comments from people who discourage outfitting private lands because these people believe outfitters will further encourage private landowners to close off their lands and charge the public a fee to use it. The public seems to prefer to negotiate their own agreements with private landowners. Chairman Hunsucker said that the IDFG issues "shooting preserve" permits to individuals who provide privately raised pheasants and quail for hunting purposes on their own privately held lands. He said the Board typically issues outfitter licenses for these shooting preserves when requested. Director Howard reminded Mr. Amonson that he was encouraged by

the Board to obtain a private shooting preserve permit and asked why he had not done this. Mr. Amonson said that he planned to get a shooting preserve permit but was waiting until he resolved the issue of being able to outfit upland game on public lands. Mr. Amonson pointed out, there are four or five existing waterfowl business and that he could understand why Lemhi Valley Expeditions could not be licensed. The Chairman indicated that the Board stopped licensing waterfowl outfitters for the same reasons as previously mentioned. The Chairman pointed out that existing waterfowl outfitter businesses were grandfathered in when the moratorium was initiated in 1989; the Board had recently discussed these licenses and had determined that existing waterfowl outfitter businesses could be sold but the buyers could not expand the operating areas for waterfowl beyond what was initially licensed. The Board discussed previous meetings with individuals opposed to outfitted upland game hunts. Chairman Hunsucker said that this was a statewide issue and allowing the activity anywhere in the state would set precedence. He indicated that he felt the public interested in hunting upland game is adequately served by the Board's existing policy. He said the upland game issue surfaced during his confirmation hearing and the subsequent conversation with the Senate Resource Committee led him to believe that the Board's current upland policy was satisfactory and that attempting to expand it would not be well received by a number of legislators. He told Mr. Amonson that if he could get the legislature to put into state code that the Board should license upland game then the Board would gladly implement that directive. Mr. Amonson said the he would see that the Board gets calls over this matter.

**OPERATING AREA REVIEW – DAVE HETTINGER & JASON FINNEY:** Also, present was Gene Hardin, West Fork Ranger District. Mr. Hardin explained that the matter in question was a boundary clarification that would allow a camp currently permitted to Mr. Hettinger that is within the boundaries of an outfitter business that Mr. Finney is purchasing. The campsite is near the confluence of Sabe Creek and Hamilton Creek. Director Howard said that due to past complexities associated with boundary camps and operating area disputes, he felt that the Board should review this matter. The Director read letters written by Mr. Hettinger and Mr. Finney into the record. Both men said that they were unable to attend the meeting. At Mr. Finney's request, the Board tried calling him. In his letter, Mr. Finney said that he objected to the boundary change but did not say why and that the decision the Board reached following their review would be acceptable to him. The Board reviewed a map of the respective operating areas and Mr. Hardin identified the location of the camps including the camp in question. After reviewing this information and after understanding the huntable terrain, the Board, concluded that it made sense to relocate the operating boundaries and revise the legal description so the camp in question would be in Mr. Hettinger's operating area. The Board instructed Director Howard to inform Mr. Hettinger and Mr. Finney of this decision and to let Mr. Finney know he could ask the Board to reconsider this matter where he could explain his objections. Director said that he would formally notify Mr. Finney by certified letter of the decision and that it is Board policy to allow 21 days to appeal.

**SELWAY RIVER RELATED FISHING ISSUE:** Director Howard told the Board that he had received letters and telephone calls from Russ Kozacek and Mike Richie concerning the West Fork and the Moose Creek Ranger Districts scoping changes to the river based outfitters operations on the Selway River. Apparently, the Selway River outfitters had been licensed for fishing but had never been federally permitted. Director Howard said that Mr. Kozacek and Mr.

Richie are opposed to this expanded use that would occur in the their operating areas and that he understands from them that other land-based outfitters adjoining the Selway River are also opposed. He said that because Mr. Hardin was present during the meeting he had asked Mr. Hardin to brief the Board on this matter. Mr. Hardin explained that the West Fork and the Moose Creek Ranger Districts scoping is related to permitting these river based outfitters for fishing and the possibility of allowing them "walk and wade" fishing access to the tributaries of the Selway River. Mr. Hardin explained that this action was initiated by the USFS for two reasons. The first was the Forest wanted to have the federal permits and the state licenses in sync and secondly, it was generally felt that outfitted clients floating the Selway should have access to fishing and that part of that experience would be access the tributaries for hiking and fishing. He stated that the river permit system would fairly regulate the number of clients on the river or in the tributaries at any one time. He said that use days for fishing would be established as the result of this change. He said that not all comments were in yet and the scoping was not complete. Mr. Hardin also said that the USFS expected some concern to be expressed over this change and that he had discussed with Director Howard the need to bring this matter before Board at some point to get the Board approval and willingness to clarify this on the applicable licenses. Several Board members commented that it is Board policy for river based outfitters to have walk and wade opportunities from their boats and to include tributaries where possible. They said that typically where permissible land-based outfitters have walk and wade access to lakes and streams within or adjoining their operating areas. They said the land-based outfitters would have priority access to the tributaries over river-based outfitters, but in instances where joint use can be reasonably overlapped, it may be permissible. They said that in this instance if the land-based outfitter user days are unaffected and the resource can biologically withstand the use, then they believe that the overlapped use could and should occur. They asked Director Howard to contact those outfitters concerned with this matter and inform them of the Board's position and to make them aware that once the scoping is completed and a decision is reached by the USFS that they would hear any reasonable objections.

**Non-Use:** Director Howard explained that all boating outfitters except for two who were contacted regarding non-use last year had provided adequate explanations. He said that Salmon River Lodge, Roger Ball, DA (SA4A and SA5 Power Boating) and Heise Expeditions LLC, Michael Quinn, (Palisades Reservoir Power Boating) had not responded to the Board's letters regarding non-use. He recommended that the Board revoke these portions of their licenses. Board Member Judge asked Director Howard to contact the outfitters affected by this decision by certified letter and notify them that it is Boards policy is to allow them 21 days to appeal

MSC (MOTION BY FARR, SECOND BY LYON — UNANIMOUS) TO REVOKE SA4A AND SA5 POWER BOATING FROM SALMON RIVER LODGE LICENSE AND PALISADES RESERVOIR, POWER BOATING FROM HEISE EXPEDITIONS LLC LICENSE.

Director Howard notified the Board that Brent Estep, the DA for Mackay Wilderness Adventures voluntarily relinquished SN10.

He explained that Flying B Ranch was in non-use on SE 2 but that they had a draft agreement together with Lochsa River Outfitters to trade for CL2. He said that this was a non-cash

exchange and that he had discussed this matter with the Heather Berg, the USFS River manager for Selway and they agreed that the trade made sense in that it benefited two reputable outfitters. The Board gave Director Howard approval to proceed with this exchange.

Mr. Bernt recused himself as a Board member. He provided the Board a letter explaining circumstances regarding his non-use of SA5. He said that he had not been federally permitted by the USFS on SA5 for a number of years. He informed the Board that he had decided to relinquish the SA5 portion of his license.

**EXECUTIVE SESSION:** Due to time constraints, the Board tabled the executive session as scheduled on the agenda to later in the meeting.

*Recessed for lunch @ 12:00 PM and reconvened at 1:00 PM with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Will Judge, Bill Bernt and Ray Lyon present. Also, present was Executive Director Jake Howard.*

**PROSPECTUS – YANKEE FORK RANGER DISTRICT – INTERVIEW APPLICANTS:** Present for this discussion were Tom Montoya & Russ Camper, Yankee Fork Ranger District, USFS. At the Board's February meeting, a committee comprised of the Board, Mr. Montoya and Mr. Camper reviewed the applications submitted in response to a prospectus to fill the vacated Buffalo Ridge operating area and selected three applicants. Those applicants were asked by the committee to be interviewed during the April Board meeting in Challis. Present for these interviews were Mr. Travis Bullock, Mr. John Cranney, and Mr. Mike Scott. The committee asked each applicant the same seven questions and each applicant was limited to the same amount of time to respond. Following the last interview, the committee discussed the applicants and agreed on the successful respondent to the prospectus. They agreed that this individual would be federally permitted and licensed by the Board to provide outfitted services for this area.

**MSC (MOTION BY JUDGE, SECOND BY FARR — UNANIMOUS) THE PROCESS HAS SHOWN JOHN CRANNEY IS THE SUCCESSFUL RESPONDENT TO THE PROSPECTUS WHO WILL BE FEDERALLY PERMITTED BY THE USFS AND LICENSED BY THE BOARD TO FILL THE OPENING.**

*Meeting recessed at 3:05 PM and reconvened the meeting at 8:35 AM, Wednesday, April 26, 2005, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Will Judge, Bill Bernt, and Ray Lyon present. Also, present were Executive Director Jake Howard and Secretary Kim Walleth. Note: on April 26, the Board toured the Middle Fork of the Salmon River by air and spent the night at the Middle Fork Lodge hosted by Charles Stevenson, owner and Scott and Shelda Farr, Managers. Present were Chairman Wayne Hunsucker, Vice Chairman Scott Farr, members Will Judge, Bill Bernt and Ray Lyon and Executive Director Jake Howard.*

**CONSENT AGENDA:** Director Howard presented the consent agenda and requested the Board to approve the matters included.

**MSC (MOTION BY FARR, SECOND BY LYON – UNANIMOUS) TO APPROVE CONSENT AGENDA TO INCLUDE THE FEBRUARY MINUTES AS PRESENTED.**

MSC (MOTION BY LYON, SECOND BY JUDGE – UNANIMOUS) TO APPROVE THE FINANCIAL REPORT AS PRESENTED.

**BUDGET REVIEW – DIRECTOR HOWARD:** Director Howard reminded the Board that they asked him to involve them in the setting up the Stars reports for FY 2006. The Director summarized the approved spending authority and the process. He explained that the Stars reports generally outline where expenditures are anticipated based from spending authority approved in the 2005 legislative session. He explained that currently the Board cannot spend to its maximum approved spending authority without impacting its free fund balance because the Board does not generate as much revenue as the legislature has given it the authority to spend. He said that even with the fee increase implemented this year there still will be a deficit. Board Member Judge stated that he does not feel that the budget should depend on the cost recovery fees and those amounts should not be reflected in the proposed revenue for upcoming years. Director Howard said that the State Controller's Office makes this determination and shows all incoming receipts as revenue and these revenues are included in the Board's free fund balance. He reminded the Board that the cost recovery fees were part of the compromise reached with the industry last year instead of a higher license fees. He said that the Board would only have a certain amount of money they can spend each year and if they do not want to spend it that is their prerogative. He said that he is very concerned that the 2005 operating budget is going to be tightly based on the amount of revenue generated and is tied together with some unexpected expenses. The Board asked Director Howard to prepare a breakdown of the monthly revenue similar to the monthly expenditure report already provided to the Board. This will help the Board in understanding how the revenues and expenditures are reflected in the operation of the agency. The budget discussion was tabled until a special meeting tentatively scheduled June 10.

**PROBATIONARY LICENSE REVIEW – BJ SNOOKS, ENFORCEMENT CHIEF:** Mr. Snooks presented the Probationary License Report for the Board to review. He explained that this report now reflects the probation completion date as previously requested. Mr. Snooks responded to the Board's questions regarding some of the cases on the report. Mr. Snooks also told the Board that he had attended a meeting at the BLM office in Idaho Falls. He said that many of the area outfitters were present for this meeting. He also explained there was much discussion regarding alleged illegal outfitting. Mr. Snooks stated that he asked those present to provide more detailed information when making complaints or alleging illegal operations.

**BOARD ORIENTATION MANUAL AND BOARD POLICY MANUAL – DIRECTOR HOWARD:** Also present for this discussion were BJ Snooks, Enforcement Chief and Grant Simonds, IOGA. Director Howard presented two manuals for Board review. He explained that the Orientation Manual presented is the manual used by the Board of Occupational Licenses. Director Howard stated it mirrors many of the processes used by the IOGLB and could be modified to serve as a reference manual and as a training manual for new IOGLB Board members. He said that he had been given approval to modify it by the Board of Occupational Licenses. He explained that the Policy Manual is an existing manual presented to the Board by his predecessor, Mr. Sangrey several years ago. He said that he reformatted it in October 2002 and presented it to the Board again but that nothing more was done with it. He said that it appears the last time that it was updated was in 1998 and that it needs significant work to bring it current to with existing policies adopted over the last seven years. He said that he had gone back through the Board minutes and he had identified a number of new policies that need to be

included. He said that he would include policy decisions identified in other manuals such as the new user manuals approved last year. There was a brief discussion about what Board policy is verses what a rule is. The Director said that this discussion could part of a later agenda item. Chairman Hunsucker stated that when new policies are established, a background should be provided as to why the policy was determined. Chairman Hunsucker directed Mr. Howard to include the Mountain Lakes and Stream inventory into the policy handbook. Board member Farr said he was very impressed with the manuals and felt that they could be useful. Director Howard said that he would be working on updating them and will provide them during subsequent Board meetings.

***Recessed for lunch @ 12:00 PM and reconvened at 1:23 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, and Secretary Kim Wallett.***

**APPOINTMENT – ACCESS IDAHO, JEFF WALKER:** Also present for this discussion were Teresa Saucedo, Office Specialist II, Grant Simonds, IOGA and Jeff Walker who is the Manager for Access Idaho. Director Howard explained that the implementation of the online system had experienced some problems earlier in the year and he wanted the Board to be updated as to how those problems were addressed. Mr. Walker explained to the Board how Access Idaho works with state agencies. Board member Judge asked whether or not passwords expire and why they do so. This seemed to cause some confusion throughout the industry this year, as many thought that the password from last year's renewal would still be valid. Mr. Walker stated that passwords throughout the system do in fact expire after three to six months for security purposes. These passwords can be recovered by contacting Access Idaho by phone or by e-mail. The passwords can also be changed by contacting Access Idaho or by completing an online process. Mr. Walker also indicated that the placement of unknown guides on the roster has been resolved. This problem was due to a corrupt file within the system. He also indicated that the employee roster removal has been corrected with a more understandable process. This was done by working with Ms. Saucedo and Director Howard. The new roster will allow outfitters to view the previous year's roster and move the desired guides to the current year. Director Howard suggested that prior to the beginning of next years licensing cycle, IOGLB and Access Idaho work together to improve the online instructions that are included the Outfitter renewal packets. He also suggested to Mr. Simonds that he would be happy to conduct a Q&A Session for IOGA if they would like to organize one.

**DISCUSSION OF PROSECUTION & HEARING PROCESSES – BJ SNOOKS, ENFORCEMENT CHIEF:** Also present were Grant Simonds, IOGA; Steve Scanlin, Board Counsel; Steve Tobiason, Board Enforcement Attorney; Bud Hetrick, Bureau of Occupational Licenses; Mick Markuson, Board of Pharmacy; Dave Curtis, Board of Professional Engineers. Director Howard explained to the Board that based on direction that he was given at the February Board meeting he worked with Mr. Snooks to review options to handing Board prosecution, the use of attorneys and the implications of using policy versus rules. He said that in doing this they had met with the Directors of five self-governing Boards with roles and responsibilities similar to IOGLB. Three of those Directors had volunteered to meet with the Board to answer questions or to explain their administrative processes and were in attendance. Director Howard introduced the Directors. Mr. Snooks presented a matrix that explained how various Boards throughout the state, including IOGLB, accept and process complaints. The Matrix compared whether the Board

or the staff of the various agencies, processed the complaints. The administrative processes generally were similar to those of IOGLB although the number of complaints varied greatly. Mr. Snooks said that it appeared that IOGLB handles a disproportionately larger number of complaints than the other Boards. Mr. Snooks also presented a flow chart proposal of how complaints could be processed within IOGLB. All agencies identified in the matrix had both a board attorney and a prosecuting attorney. Each Director attending the meeting said that the board attorney attends every Board meeting and that the prosecutors handle all prosecution. Mr. Curtis explained that with the Board of Professional Engineers if there is a situation where the prosecuting attorney is unavailable, they request a prosecutor from the State Attorney General's office. Board member Farr asked the Director of the others Board about their use of policies. Mick Markuson said that the Pharmacy Board believes that if something is good enough to be in policy, it is good enough to be in rule. They did not use policies for any regulatory function. Dave Curtis said that a rule refers to activities that affect the public and that only statute and rules have the force and effect of the law. Rules are used to implement statutes. A policy generally refers to internal operations or it can be used to interpret an existing a rule. He said that care needs to be taken that it does not exceed the intent of the rule. The Board of Occupational Licenses said they do not use polices for regulating any industry they serve. Mr. Snooks also presented a copy of the current citation form and fine list based on the IOGLB Rules. Mr. Snooks presented a flow chart that proposed how IOGLB should handle complaints. He indicated that the current citation form would not be effective as it is currently written if the Board adopts the proposed flow chart. The reason for this is that it is called an "Administrative Complaint" and in the new process, it would only be a citation with the Administrative Complaint filed later by the Enforcement Attorney if the original citation is not resolved. The Board instructed Mr. Howard and Mr. Snooks to return to the Board with a fine schedule recommendation.

**MSC (MOTION BY FARR, SECOND BY JUDGE – UNANIMOUS) THE STAFF PREPARE TO IMPLEMENT CONSENT AGREEMENTS AND CITATION PROGRAM AS SOON AS POSSIBLE.**

**DISCUSSION OF RULES – DIRECTOR HOWARD:** Director Howard presented a letter from Grant Simonds, IOGA and requested that the Board authorize him to work with the Industry to prepare the rules for the Board consideration at the June meeting. He said that he would focus primarily on the rules that were withdrawn form legislative consideration in January though others may surface. He said that he would be developing these rules so they could be submitted as negotiated rules. Director Howard asked Mr. Simonds to organize a meeting of industry representatives who would be working on the rules task force that he suggested in his letter. Mr. Simonds indicated that he would do so. The Board felt that was appropriate to move forward and directed Mr. Howard to do so as discussed.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, **MSC (MOTION BY LYON, SECOND BY FARR – HUNSUCKER, FARR, JUDGE, LYON, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 5:52 PM TO DISCUSS PERSONNEL MATTERS. MSC (MOTION BY BERNT, SECOND BY LYON – HUNSUCKER, FARR, JUDGE, LYON, BERNT - YEA) AT 6:23 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.**

*Meeting recessed at 6:24 PM and reconvened at 8:15 AM, Thursday, April 28, 2005, with Chairman 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, and Secretary Kim Wallett.*

**APPOINTMENT – MIKE BRANSON:** Mr. Branson was present to discuss his concern with how the outfitter tag allocation was distributed in the Elk City Zone. Mr. Branson feels that though he was not awarded allocation when the zone was capped, he has had clients in that area using general tags and he should be awarded allocation at this time. He stated that he was not aware that the zone had been capped in 2002. He therefore had requested the Board to contact IDFG and request those tags be made available to him. Director Howard presented a letter written by former Director Sangrey October 15, 2001 to Mr. Branson notifying him they he did not have adequate historical use to justify receiving allocated tags in this area. Mr. Branson said that he had written to Mr. Sangrey that he did not agree with that conclusion but had heard nothing back from for him. Director Howard presented a letter written by former Director Sangrey in November 26 2001 that would have given Mr. Branson notice that he did not have allocated tags in the Elk City Zone. Director Howard said that the letter did not specifically addresses the Elk City Zone but its absence would have indicated that tags were not provided. The Board told Mr. Branson it would be difficult to give him any tags at this time and that they cannot guarantee any kind of resolution. They said that the information will be reviewed and they would attempt to accommodate him in the future. The Board indicated that upon the recalculation in 2007, the actual historical use, not just voucher use, might be reviewed to determine if any changes are deemed appropriate.

**APPOINTMENT – JON BARKER:** Also, present for this appointment was John A.K. Barker and Grant Simonds, IOGA. Mr. Jon Barker appeared before the Board with concerns with the one-time controlled hunt overrides that are being considered. Board Member Farr explained that this policy applied only to trophy species. He also explained that the whole purpose to this policy is to establish criteria and determine when the Board might override the objections of an existing outfitter for a one-time controlled hunt. He stated that this was only in a draft policy at this time and therefore, the Board was not bound to it at all times. It would only be used when appropriate and deemed necessary.

**Executive Session:** In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY JUDGE, SECOND BY FARR – FARR, JUDGE, LYON, BERNT, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:45 AM TO DISCUSS LITIGATION MATTERS. MSC (MOTION BY LYON, SECOND BY JUDGE – FARR, JUDGE, LYON, BERNT - YEA) AT 12:01 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

MSC (MOTION BY JUDGE, SECOND BY LYON – JUDGE, HUNSUKER, LYON – YEA; FARR, BERNT - NO) THE BOARD WILL REFUND ANY SPECIAL PROCESSING FEES RECEIVED BETWEEN THE DATES OF JANUARY 31<sup>ST</sup> AND MARCH 31<sup>ST</sup> 2005 AS A GOOD WILL MEASURE IN LIGHT OF THE FIRST YEAR OF STAGGERING LICENSE APPLICATIONS. THIS WILL BE FOR THE 2005 LICENSE YEAR ONLY.



The Board directed Mr. Howard to prepare a letter to accompany the refunds explaining the Board decision. They also directed Mr. Howard to explain the prior matters in the upcoming newsletter that will be sent to the entire industry. They wanted him to point out that the fees were implemented correctly by the staff, that they were legal and that the Board felt the industry needed one additional year before implementation.

**DIRECTOR'S REPORT – JAKE HOWARD:** Director Howard presented matters that required Board direction. **Leo Crane letter:** Director presented a letter written by Leo Crane concerning the special processing fee. He said that the Board's earlier decision addressed Mr. Crane's letter. **Peter Grubb letter, ROW:** Mr. Grubb had written to Director Howard for clarification of when the 5F designation includes Walk & Wade Fishing. Board Member Farr asked if this was a prevalent problem and if this designation was used for land-based operations in addition to boating operations. Director Howard said that 5F was applicable to both and that the Board had removed several fishing designations including 5FBF (float boat fishing) from the licenses several years ago leaving only 5F, 5AF, & 5WW. He said that this might be causing Mr. Grubb's confusion. Director Howard and the Board concurred that the 5F is the activity designation for general fishing. The use of 5F has nothing to do with whether the fishing trip is initiated from land or from a boat. With all boating outfitters, walk and wade fishing must be initiated from a boat and cannot be initiated from land unless specifically indicated on their license. All boating oriented outfitters must have 5F to be able to fish. Rivers and lakes have boating designations via IDAPA 25.01.01.059. This rule identifies the number of outfitter licenses available on each licensable river section or on each lake and that this same section limits the number of boats in most sections. Outfitters licensed for boating on rivers and lakes identified in IDAPA 25.01.01.059 can walk and wade fish from a boat unless otherwise restricted on their license or federal permit. In nearly all instances, land-based big game outfitters with 5F have the land-based access to all bodies of water within their operating area and to adjoining rivers, streams and lakes unless otherwise restricted on their license or by federal permit. They can provide walk and wade fishing only; 5F does not give them the ability to fish from a boat. It was noted that there are a number of outfitters licensed for waters to specifically provide land initiated walk and wade fishing only such as on the Big Wood and Little Wood Rivers, the Big Lost and Little Lost River, the St Joe River and Silver Creek. 5F does not give them the ability to fish from a boat. They specifically needed to be licensed for boating. Conceivably, where land-based outfitters are not licensed then land-based walk and wade fishing opportunities do not exist. In those areas, the boating-based outfitters would have a walk and wade monopoly but it must be initiated from a boat. The Board directed Mr. Howard to prepare a letter to Mr. Grubb to explain the interpretation of 5F. **Tom Loder letter:** He also presented a letter to the Board written by Mr. Tom Loder. He said that the staff is working the USFS regarding the prospectus that Mr. Loder is interested in and he hopes to release it for applications this summer.

**APPOINTMENT – RAY CHRISTOPHERSON:** Also present for this appointment were Leanne Reincke, Technical Records Specialist; Grant Simonds, IOGA; Joe Cabral, B Bar C Outfitters; Barb and Harlan Opdahl, Triple O Outfitters; Jennefer Parker and Brooks Beagle, USFS (via teleconference). Director Howard explained that Mr. Christopherson had sent a letter asking for an appearance to be present at the Board meeting and that he had called him to discuss the matter. He said Mr. Christopherson's concerns were with the division of Unit 10 (Lolo Zone), the way allocation has been handled with regard to his operation, as well as concerns with

Mr. Howard, IOGLB and Jennefer Parker, USFS. After discussing these matters with Mr. Christopherson, the Board asked that a possible resolution of the division of unit 10 might be explored by the two outfitters that could be presented to the Board for review. They suggested that Mr. Howard prepare a territorial conflict hearing if information would be provided to justify it. They determined that the total allocation may be reviewed upon receipt of any letters claiming extenuating circumstances but at this time, the allocation will remain the same as was determined in the fall of 2004. Mr. Christopherson was invited to prepare a letter explaining the extenuating circumstances.

*Recessed for lunch @ 12:12 PM and reconvened at 1:27 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, Enforcement Supervisor BJ Snooks, and Secretary Kim Wallett.*

**PRESENTATION OF PROPOSED AGREEMENT WITH US COAST GUARD:** Present for this discussion was Tony Sellers & Zeke Lyons, Coast Guard; Grant Simonds, IOGA; and John A.K. Barker, Outfitter. Mr. Sellers presented the Board with information that the Coast Guard (CG) would request be placed into a Letter of Agreement or Memorandum of Understanding between the two agencies. The CG license would include all navigable waters permitted by the CG on the Snake, Clearwater, and Salmon Rivers and corresponding waters. Mr. Snooks informed the Board that we would be working with the State Parks Department in order to facilitate the test and complete the fingerprinting so that applicants did not always have to go to the IOGLB office in Boise. Mr. Sellers stated that the information that he presented was an initial proposal and asked the Board to prepare a rebuttal to this proposal for CG to consider. The Board members stated that the 360-day requirement of the CG seemed to be unreasonable and that 90 days within the previous three years, would be a more feasible time frame for training. Lt. Tony Sellers stated that he would speak to his superiors and would be in contact with Mr. Snooks with any further information. The board determined that they would submit a counter proposal and asked Mr. Snooks to prepare a letter.

**APPLICATION DEFERRAL – SHANNON SPENCE:** Board Member Farr recused himself from this discussion. Mr. Spence submitted a guide application to work for Wilderness Outfitters and Middle Fork Management and in it he admitted to an IDFG violation in 2001. Upon investigation, it was determined that this violation was a violation of “the Bald and Golden Eagle Protection Act”. Mr. Spence pled guilty and was fined and sentenced to two (2) years probation. The Board reviewed the information and discussed whether Mr. Spence would be a responsible guide. Director Howard stated that Mr. Snooks’ investigation indicated that the Law Enforcement personnel involved with this matter were satisfied that this would be a one-time incident and they felt comfortable with Mr. Spence being licensed as a guide.

**MSC (MOTION BY BERNT, SECOND BY JUDGE - UNANIMOUS) TO GRANT THE LICENSE FOR SHANNON SPENCE WITH ONE-YEAR PROBATION WITH NO RESTRICTIONS ON AMENDMENTS. DIRECTOR HOWARD TO PREPARE A LETTER OF INSTRUCTION AND EXPLANATION WITH REGARD TO THE CONCERNS OF THE BOARD WITH THE NATURE OF THE VIOLATION AND THE ACTIONS TAKEN.**

**APPLICATION DEFERRAL – CHARLES MELGIN:** Due to a death in the family, Mr. Melgin appeared via telephone. Also present for this discussion were Leanne Reincke, Technical Records Specialist, and Mark Gamblin, IDFG Fisheries Manager. Director Howard explained that Mr. Melgin has applied to be an outfitter who would offer walk and wade fishing for anadromous fish as well as hiking, horseback riding, and photography trips on the South Fork of the Clearwater River from a guest ranch he operates on land that he owns. He said he is prepared to move forward with the hiking, horseback riding, and photography trip portion of the license but that the IDFG Regional office voiced concern with an outfitted fishing opportunity on the South Fork. He said he also understood that historically the South Fork of the Clearwater was to be a non-outfitted river. Director Howard said that he invited the Region 2 Fisheries Manager to attend the meeting but understood that he was not available and that Mr. Gamblin was there representing the IDFG. Mr. Gamblin stated that IDFG does not currently support walk and wade fishing for anadromous fish due to the high public demand on the fisheries in the local area. Mr. Melgin stated that he feels that this would not affect the public as the section that of river is adjacent to his private land and he does not restrict public access when asked. He also stated that not being able to guide anglers that are unfamiliar with anadromous fishing is detrimental to his guest ranch. He said that he plans to teach the anglers to catch and release fish properly in order to not harm the fish. He stated that if he were not permitted to do this, his guests would go fishing by themselves and may possibly cause unnecessary damage to the wildlife. Several Board members stated that they were not clear from the map that Mr. Melgin provided which lands were within his ownership and it appeared that he only controlled a small portion of access from one side of the river. Mr. Gamblin stated that he understood the complexity of this matter and asked to get additional input from the regional IDFG staff and that he would respond to Director Howard. The Board asked the Director to provide them the information regarding Mr. Gamblin's response.

**GIS MAPPING SYSTEM UPDATE – BART BUTTERFIELD, IDFG:** Also, present for this discussion were Leanne Reincke, Technical Records Specialist, and Mark Gamblin, IDFG Fisheries Manager. Mr. Butterfield presented the online hunter information as well as how the maps will be used within the GIS system. He explained that the hunter information would be available approximately the first week in May though the outfitter specific information would not be available for a short while longer. It was discussed that some of the IOGLB activity names were not corresponding with the IDFG and Director Howard and Leanne Reincke are working with them toward a resolution (i.e.: IDFG includes chukar in their upland game description and IOGLB does not). The timeframe for release of the outfitter information is late summer or early Fall 2005. He explained that a review process needed to be completed that allowed the federal permit administrators and the outfitters to review the digitized maps for accuracy. Director Howard said that a number unknown of overlaps were expected. The Board told Mr. Butterfield that they were very pleased with the progress being made on the GIS and that it would provide a very valuable promotional tool for the industry and well as a valuable management to for the Board and their federal partners.

*With no further business to come before the Board, the meeting was adjourned at 4:14 PM, April 28, 2005.*

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WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

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JAKE HOWARD, EXECUTIVE DIRECTOR