

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

**MINUTES**

**November 28 – 30, 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 8:38 AM, MONDAY, NOVEMBER 28, 2005, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. MEMBERS WILL JUDGE, TRAVIS BULLOCK, BILL BERNT AND MARCUS GIBBS WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD AND TECHNICAL RECORDS SPECIALIST LEANNE REINCKE. WAYNE HUNSUCKER WAS UNABLE TO ATTEND THE MEETING DUE TO PERSONAL BUSINESS.

Director Howard welcomed new Board Member Marcus Gibbs. He said that Mr. Gibbs is the Chairman of the Idaho Fish and Game Commission and that he has less than one year left in his second term.

**Review of Agenda:** Director Howard reviewed the agenda with the Board. He informed the Board that their 2:30 appointment, Rusty Bentz, had cancelled his appointment due to a death in the family.

**Review of Consent Agenda:** The Board discussed an amendment denial letter to an existing outfitter concerning private lands resulting from IDFG input. Director Howard explained that a follow up letter had been sent to the outfitter explaining an appeal process was available. Board Member Bullock voiced his concerns regarding outfitting on private property and property rights. Board Member Gibbs echoed Mr. Bullock's concerns and discussed the lack of communication between the Board and the IDFG Commission. He said that his intentions were to improve the communication between the two agencies. Director Howard explained that a Memorandum of Understanding with the IDFG had been initiated and suggested that Board Member Gibbs may be in the best position to formalize it. He said that he will bring the MOU up at a future Board meeting for the Board review and discussion. He explained that the staff target getting the consent agenda out three weeks before each Board meeting so that members have one week to review it and get their questions answered or to get unresolved matters put on the agenda. The Director said that it is very important for each Board member to go through the consent agenda carefully. He asked the Board Members to contact Mr. Snooks, Ms. Reincke or himself regarding questions that they might have. He explained that individual members requesting a matter be placed on the agenda within the one week time frame allows time for a final agenda to be prepared.

**MSC (MOTION BY BULLOCK, SECOND BY BERNT – UNANIMOUS) TO APPROVE CONSENT AGENDA WITH A REQUEST TO POSSIBLY FURTHER REVIEW IF TIME ALLOWED.**

**Financial Report and Budget Review – Director Howard:** Director Howard presented the final financial information with regard to fiscal year 2005. For Mr. Gibbs' benefit he explained the budget analysis and STARS reports that are provided to the Board with the consent agenda. Director Howard explained that the budget is on track for this year. Primary revenue months are January through July and the Board does not receive any dedicated funds from the state. **MSC (MOTION BY BERNT, SECONDED BY GIBBS – UNANIMOUS) TO APPROVE THE FINANCIAL REPORT AS PRESENTED.**

**Probationary License Report – BJ Snooks, Enforcement Chief:** Mr. Snooks presented the probationary license report for Board review. The Board discussed the report and several probationary licenses. Board Member Judge asked Chief Snooks to review the probationary process to place an individual on probation and further explain the timelines of the probation periods. Chief Snooks responded to the Board's questions regarding the report and the format.

**MSC (MOTION BY BULLOCK, SECONDED BY BERNT – UNANIMOUS) TO ACCEPT THE PROBATIONARY REPORT AS PRESENTED.**

**Guide License Deferral – David Taylor:** Chief Snooks reported to the Board regarding an individual who is part owner of an outfitter business that is licensed as a partnership who would like to become a guide. He said that while researching his guide application it was found that he reported a violation for the taking of wildlife out of season in 1984 but he did not report that he also had received an additional violation of possession too many cutthroat trout in 1996. Director Howard indicated that Taylor's request for a guide license was denied because he falsified information on his application. Director Howard advised the Board that he did not recommend that they deny Taylor's application until he has come before the Board for explanation. Chief Snooks read a letter from the applicant explaining the violations and why he did not report them during the time of application. Director Howard explained if it had been a new applicant the guide license application would have been denied. The Board directed that Mr. Taylor be scheduled for a Hearing and indicated that a conference call would be adequate for the Board's review.

**Director's Report – Director Howard:** Director Howard introduced Farleigh Byers, who was hired to fill the Office Specialist 1 position vacated by Kim Wallett. **Board Elections:** The Director explained the process needed to follow in order to fill vacant Board officer positions. He pointed out that Board member Hunsucker had reached his term limit as chairman earlier this year. It was pointed out that Board rule states that the officer election process takes place in June and because Mr. Farr who was the Vice Chair was not reappointed there became a need for the election. He also pointed out that Board rules state that new officer positions will be effective immediately upon election. The Board discussed rotating positions but made no decisions. **MSC (MOTION BY BULLOCK, SECOND BY BERNT – UNANIMOUS) TO ELECT BOARD MEMBER WILL JUDGE AS THE NEW CHAIRMAN OF THE BOARD TO REPLACE WAYNE HUNSUCKER WHO HAS SERVED 4 TERMS. MSC (MOTION BY BULLOCK, SECOND BY GIBBS – UNANIMOUS) TO INSTALL BILL BERNT AS THE TREASURER. MSC (MOTION BY GIBBS, SECOND BY BERNT – UNANIMOUS) TO INSTALL BOARD MEMBER BULLOCK TO SERVE AS VICE CHAIRMAN.**

**Board Meeting Schedule:** Director Howard and the Board discussed the 2006 meeting schedule. Board Member Gibbs suggested that IOGLB hold their meetings quarterly as outlined in statute rather than the current schedule, explained in Rule 71. Director Howard explained that this change will need to be done as a temporary/proposed rule so that the change goes into effect for the remaining year and so it will be reviewed by the legislature in 2007. **MSC (MOTION BY BULLOCK, SECOND BY BERNT – UNANIMOUS) TO REVISE RULE 71 BY REMOVING SPECIFIC DATES, REPLACING THE CURRENT SCHEDULE WITH A QUARTERLY SCHEDULE FOR THE BOARD MEETINGS.**

**Rules Update:** Director Howard passed out a copy of the approved rule changes that will go before the legislature in January. He explained glitches on the section concerning the North Fork of the Coeur d' Alene River, shown as CDNF in the rule, have been corrected. **St. Joe River Outfitter Area Re-Allocation:** Director Howard explained that together with Board Member Judge he met with the Forest Service on Oct 6, 2005 to address issues with outfitter use on the St. Joe River. Director Howard presented the following recommendations:

River Section	Maximum No. Power	Maximum No. Float	Outfitter to be grandfathered
<b>SJ1) Red Ives to the St. Joe River Headwaters.</b> One walk and wade only license can be issued.	none	None	Will Judge
<b>SJ2) Red Ives to Avery</b> - In addition to one float outfitter, three walk and wade only licenses can be issued. * does not include fishing.	None	1*	Float – ROW WW- Loder, Roope & ROW
<b>SJ3) Avery to St. Joe City Bridge</b> – Two float outfitter license can be issued.	none	2	ROW
<b>SJ4) St. Joe City Bridge to Lake Coeur d'Alene</b>	2		None

The Director explained that existing outfitters would be grandfathered in on the appropriate section as indicated above, that he had researched ROW's federal permit and due to confusion over the permit and license that ROW should be licensed for land-based walk and wade fishing on SJ 2 in addition to floating. They are not permitted to fish from a float boat anywhere on the St. Joe River. He said there would be one opening on SJ3 and two openings on SJ4 that IOGLB could handle through a prospectus or the new waiting list process beginning in July. He said that to do this, it would be appropriate to notify the outfitters and take any input they have and if there are no objections to run this as a temporary/proposed rule later this year so the changes could go into effect this upcoming user year. Board Member Judge suggested that the staff contact the Coeur d'Alene Tribe to determine if they had any concern due to their authority over a portion of the St. Joe River. **MSC (MOTION BY BULLOCK, SECOND BY GIBBS – UNANAMOUS) TO HAVE MR. HOWARD NOTIFY EXISTING OUTFITTERS OF PROPOSED CHANGES TO THE ST. JOE RIVER RULES AND WITH THEIR INPUT MOVE FORWARD IMPLEMENTING THE CHANGES AS AN EMERGENCY RULE SO THEY COULD GO INTO EFFECT THIS YEAR, AND TO NOTIFY ROW THAT THEY WILL BE LICENSED SEPARATELY FOR FLOAT BOATING AND FOR LAND-BASED WALK AND WADE FISHING ON THE SJ 2 SECTIONS.**

**Setting Target Dates for Meeting – Upper Salmon River – Steelhead/Salmon Season & SA4A Prospectus:** The Board discussed having a meeting to discuss Salmon Fishing on the

Upper Salmon River. They decided there was no reason to think that outfitters would not have this opportunity if Salmon Season presented itself. They made the following motions.

**MSC (MOTION BY BERNT, SECOND BY BULLOCK – UNANAMOUS) OUTFITTERS THAT ARE CURRENTLY LICENSED ON THE SA4A AND THE SA5 SECTIONS OF THE SALMON RIVER AND THAT ARE CURRENTLY LICENSED FOR (5F) FISHING ACTIVITIES WILL BE PERMITTED TO FISH DURING THE OPEN STEELHEAD/SALMON SEASON.**

**BOARD DIRECTION TO DIRECTOR HOWARD TO CREATE A PROSPECTUS JOINTLY WITH THE BLM FOR THE OPEN BUSINESS OPPORTUNITY ON SA4A.**

**Sa-4/Sa-5 Boater Put In/Take Out:** MSC (MOTION BY GIBBS, SECOND BY BULLOCK) OUTFITTERS THAT ARE LICENSED ON THE SA4 AND THE SA5 SECTIONS OF THE SALMON RIVER BE ALLOWD TO OVERLAP INTO EACH SECTION UNTIL THE FOREST SERVICE IS ABLE TO REPAIR THE NORTHFORK BOAT RAMP THAT IS LOCATED AT THE MOUTH OF THE NORTHFORK OF THE SALMON RIVER. THE SA5 LICENSED OUTFITTERS CAN INITIATE THEIR TRIPS AT BOBCAT AND THE SA4 OUTFITTERS CAN TAKE OUT AT DEADWATER. THE OUTFITTERS WILL NOT BE RESTRICTED FROM FISHING FOR SALMON AND STEELHEAD WITHIN THE OVERLAPED AREA. Mr. Bernt asked Director Howard to contact the Northfork Ranger District regarding any concern that these actions may present and to let him know.

**PROSPECTUS PROCESS:** Director Howard explained that he had several District Rangers express to him concerns with the evaluation process that the Board was using to select the successful applicant responding to a prospectus. He said that their primary concern was consistency and that the end product was not providing adequate documentation to meet their requirements. He said that he had also informed several District Rangers of the Board's concerns that the existing prospectus process was focusing on existing outfitters and not enough of giving the general public an opportunity to be successful with an application. He said that this matter needed to be discussed further internally and then with the Federal agencies. He reminded the Board that the Prospectus and the selection process was part of the MOU between the Board and the Federal Agencies. He said that he felt the District Ranger with the Sawtooth National Recreation Area, Sara Balwin, had a good approach to scoring applications and that he would suggest that the Board ask her to present the process at a future Board meeting.

**Federal Permit Revocation on SN-8:** Director Howard was given direction by the Board to notify Middle Fork Rapid Transit of the Board's proposed action to remove the SN-8 section of the Snake River from their outfitter's license due to a letter received from the BLM with notification that they are not federally permitted on that section. Director Howard was directed to explain that Middle Fork Rapid Transit can request to appear at a future meeting concerning this matter.

**Allocation – Selway and Middle Fork Zone Recalculation of Voucher Use:** The Board reviewed letters from Rick Kaech, Elk City Adventures; Bill Mitchell Outfitters; Rick Hussey,

Quarter Circle A Outfitters; Dave Hettinger Outfitters; Tom Allegrezza; Ron Ens; Middle Fork Outfitters and Running Creek Ranch, Russ Kozacek concerned recalculation. Director Howard explained that staff researched each letter and provided a draft letter that responded to each outfitter's concerns and that made corrections to the calculations when appropriate. The Board authorized Director Howard to send the letters.

**South Fork – Snake River:** The Director informed the Board that he has learned that the BLM is doing a new management plan for the South Fork of the Snake River.

*Recessed for lunch @ 11:56 AM and reconvened at 1:00 PM with members Will Judge, Travis Bullock, Bill Bernt and Marcus Gibbs present. Also present were Executive Director Jake Howard, IOGA Executive Director Grant Simonds, and Technical Records Specialist Leanne Reincke.*

**Coast Guard Update** – BJ Snooks – Chief Snooks presented an overall review of the changes to river enforcement that was being negotiated for the Coast Guard project. In 2003, negotiations were opened with the Coast Guard to develop a program to facilitate IOGLB conducting the required testing for a Coast Guard license by guides taking the Idaho Parks written test, being fingerprinted locally, having a drug test and sending these items to the Coast Guard for licensure. A second part of the project was to reevaluate and develop appropriate training requirements for a boat operator's license in Idaho. A current MOU has been drafted and presented to the Coast Guard Regional Commander for approval. The MOU has tentatively been approved but some of the language is being restructured. Chief Sellers (Licensing) states that he hopes to have the MOU to IOGLB by the end of December.

**Mountain Biking Prospectus in the Sawtooth National Recreation Area:** Director Howard explained that a committee was formed that included members of the Forest Service and IOGLB to evaluate and score the applications submitted in response to the SNRA Mountain Bike Prospectus. Director Howard explained the process that took place in order for the Forest Service and IOGLB to jointly evaluate and score the applications.

**MSC (MOTION BY BULLOCK, SECOND BY GIBBS - UNANIMOUS) TO AWARD SAWTOOTH ADVENTURE COMPANY THE NEW MOUNTAIN BIKE OPPORTUNITY.**

**Unit 25 Prospectus** – Director Howard informed the Board that only one application was received complete and acceptable in response to the Unit 25 Prospectus.

**MSC (MOTION BY GIBBS, SECOND BY BULLOCK – UNANIMOUS) TO AWARD THE UNIT 25 NEW OPPORTUNITY TO CASEY KUENZLI, AS HE WAS THE ONLY OUTFITTER THAT RESPONDED TO THE PROSPECTUS.**

**Draft Policy on Validated Training Forms:** Director Howard reviewed the responses that he had received regarding the letters sent to the industry requesting comment on the policy for validated training forms. He explained that most suggestions have been incorporated into the new policy and sent back out to the industry for further review. No additional concerns from the industry were expressed and the new policy is complete.

**MSC (MOTION BY BULLOCK, SECOND BY GIBBS – UNANAMOUS) MOVE FORWARD WITH THE ACCEPTANCE OF THE NEW POLICY FOR VALIDATED TRAINING FORMS.**

*Brief recess for break @ 3:35 PM and reconvened at 3:46 PM*

**Consent Agreement Ron Sherrer – CHIEF BJ SNOOKS** – Chief Snooks reviewed with the Board a consent agreement presented to Ron Sherer addressing a bear bait citation issued by the IDFG. Mr. Sherer signed the stipulation agreeing to reimburse IOGLB the cost of the investigation and board action (\$64.66) and that his outfitter and guide license would be placed on probation for one (1) year ending March 31, 2007.

**MSC (MOTION BY BERNT, SECOND BY BULLOCK – UNANIMOUS) TO MOVE FORWARD WITH THE STIPULATION AND CONSENT AGREEMENT FOR INFORMAL DISPOSITION.**

**Consent Agreement – Idaho Guide Service, Olin Gardner – Steve Tobiasen:** Mr. Tobiasen presented to the Board a Stipulation and Consent Agreement for Informal Disposition reached with Mr. Olin Gardner of Idaho Guide Service. Mr. Gardner was involved in a client complaint where Mr. Olin cancelled the guided float trip and left a phone message on the home phone of the clients the night before the scheduled trip. The clients were from Texas and were already traveling to Idaho. Mr. Gardner did not make arrangements to have anyone at the launch site at the scheduled launch time. Staff feels that Mr. Gardner's conduct constitutes unethical and/or unprofessional conduct. Mr. Gardner agreed to reimburse the clients deposits, traveling costs from Reno, Nevada where they were visiting, reimburse IOGLB \$350.00 for costs incurred by the Board, and that a non-disciplinary letter of warning/instruction would be placed in Mr. Gardner's file.

**MSC (MOTION BY BULLOCK, SECOND GIBBS, - UNANIMOUS) TO ACCEPT THE STIPULATION AGREEMENT.**

**Guide License Denial – Cody Clapp, Poker Peak Outfitters – BJ Snooks:** Chairman Will Judge, Board Members Travis Bullock, Bill Bernt and Marcus Gibbs, Board Attorney Steve Scanlin, IOGA Executive Director Grant Simonds and Technical Records Specialist Leanne Reincke, were in attendance. Mr. Clapp gave an explanation as to what happened in reference to his fish and game convictions and why he failed to report them on his guide application. Mr. Clapp applied for his guide license on line and did not follow up and double check to see if his license had been issued by the IOGLB. Mr. Clapp then guided a lion hunt and received citations from IDFG for guiding without a license and no hound permit. After he was cited for having no guide license, he was also cited for not having a hound permit. Chief Snooks explained that the violations took place in 2002, Mr. Clapp plead guilty, and received a withheld sentence.

**MSC (MOTION BY GIBBS, SECOND BY BULLOCK – UNANAMOUS) TO ISSUE A GUIDE LICENSE TO CODY CLAPP WITHOUT RESTRICTIONS OR PROBATIONARY STATUS.**

**AMENDMENT TO MOTION FOR CODY CLAPP MSC (MOTION BY BULLOCK, SECOND BY GIBBS – UNANAMOUS) TO CHARGE CODY CLAPP COST RECOVERY FEES OF \$290.69.**

*Meeting recessed at 5:00 PM and reconvened at 8:30 AM, Tuesday, November 29, 2005, with Chairman Will Judge and Vice Chairman Travis Bullock, Board Members Bill Bernt, and Marcus Gibbs present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, and Technical Records Specialist Leanne Reincke.*

**Snake River Adventures, Mike Luther, and Operating Area Adjustment** – Director Howard read a letter from Mr. Luther’s attorney requesting that the Board reschedule the meeting that is scheduled for tomorrow, requesting a continuance. He then asked Board Attorney Steve Scanlin to explain the Board’s options. Director Howard informed the Board that he had been notified by the USFS that Mr. Luther had never been federally permitted in Unit 11 for big game hunting and it is unknown how the business became licensed for the activity. The Board had a phone conference with Scott Chapman, attorney representing Mike Luther. Mr. Chapman sent a letter to Board Attorney Steve Scanlin requesting that the Board continue the hearing scheduled for November 29, 2005, to the next available meeting date on the grounds that there was a scheduling problem where Snake River Adventures thought that the hearing was on November 28, 2005. Director Howard asked Mr. Chapman if Mr. Luther was federally permitted on SA6 of the Salmon River. Mr. Chapman responded that he had not been permitted.

**MSC (MOTION BY GIBBS, SECOND BY BULLOCK – UNANAMOUS) TO REMOVE SA6 FROM SNAKE RIVER ADVENTURE’S LICENSE AND TO GRANT A CONTINUANCE ON THE HEARING FOR THE TERRITORIAL ADJUSTMENT AND ACTIVITIES ON THE HCNRA. MOTION WILL INCLUDE COST RECOVERY**

**Flying Resort Ranch/Salmon River Lodge Operating Area Adjustment:** Present for the hearing were Board Chairman Will Judge, Vice Chairman Travis Bullock, Board Members Bill Bernt, Marcus Gibbs, Executive Director Jake Howard, Tammy Overacker, Cal Henry, Deric Ence, Norman Shenk, Mike Boren Laurie Matthews, North Fork Ranger District and Dick VandenAkker entered the meeting at approximately 10:26 pm Director Howard gave a brief explanation of the details associated with the territorial conflict. Quinn Carver, Krassel District Ranger, USFS Permit Manager joined the meeting and was sworn in at approximately 10:55AM.

**MSC (MOTION BY BULLOCK, SECOND BY GIBBS – JUDGE, BULLOCK, GIBBS, - YEA – BERNT - NO) TO MOVE THE BOUNDARY TO FOLLOW THE TRAIL**

The Board and Staff recognized Mr. Ray Lyon’s service to the Board. He was awarded a cup embossed with the Board’s logo and a statement recognizing his Service as a Board Member from 1996 to 2005. Director Howard explained that Mr. Lyon often went beyond the call of duty. He stated that Mr. Lyon mentored him and helped him get oriented as Director. He said that Mr. Lyon stopped by the office daily for nearly six months to lend his assistance. He said that he also served for nearly 6 additional months after indicating to the IDFG Commission that he did not want to be reappointed and when the Governor’s office became involved in the Commissions appointment of a replacement.

**Horse Mountain Outfitters – Also present were Quinn Carver, District Ranger, Krassel Ranger District, Laurie Matthews, North Fork Ranger District, Grant Simonds, IOGA and Steve Zettel, by conference call.** Director Howard reviewed with the Board the history behind the Horse Mountain Outfitters operating area. Director Howard explained that currently the overall Horse Mountain operating area is now vacated. He explained that Horse Mountain Outfitter had two adjoining operating areas that are now in question. These were from outfitter businesses that they had purchased. One was the area that was a part of Stan Pott's former outfitter business and other was the former operating area of Steve Zettel. He said that there are questions as to what should take place as a result of the revocation of the license, sales agreements between Horse Mountain Outfitters and Steve Zettel and possibly Mr Potts.

Quinn Carver said that USFS policy does not recognize operating areas as real property and that the areas themselves cannot be bought and sold. He said that from the USFS perspective both areas are vacated. He said however, that it might not be unreasonable for an area to be returned to the former outfitter. He further explained to the Board that there are possibly three options that could happen with this area. 1) The area could revert back to Zettel 2) Open it up as a new opportunity for a new outfitter which would require public scoping and prospectus. 3) An additional opportunity for existing outfitters in the area and possible split of the area. Mr. Carver said that the Krassel Ranger District will conduct a needs assessment to review all possible options and include any resources issues that may exist. Laurie Matthews said that the North Fork Ranger District may not be able to conduct a needs assessment prior to mid February. There was some discussion about the Krassel Ranger District conducting the analysis on both areas due to them being adjoining. Mr. Carver expressed the need to have a better selection process available for future applicants that will focus more aggressively on the applicant's experience and ability to run a successful outfitter business so a situation like Horse Mountain Outfitters does not happen again. Director Howard said that the Board had interviewed Mr. Mussleman. Director Howard explained a longstanding overlapping boundary dispute involving Papoose Lake Area that is on the border between the old Potts Operating Area and Mile High Outfitters operating area and suggested that matter be addressed. He also suggested that fishing on Big Creek be assessed. Mr. Zettel expressed several points of concern. The timeline with respect to his sales agreement with Horse Mountain outfitters had not yet gone into default. He does not want the area to be split and wants it back to either operate or resell. He explained that he wanted to recoup his financial losses involved with the sale. The Board decided to hold a hearing in February or June to consider this overall matter and agreed that there was no need to rush into a decision.

*With no further business to come before the Board, the meeting was adjourned at 4:14 PM, November 30, 2005.*

ATTEST:

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WILL JUDGE, CHAIRMAN

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JAKE HOWARD, EXECUTIVE DIRECTOR