

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

**February 27 – March 1, 2006**

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

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD (IOGLB) WAS CALLED TO ORDER AT 8:30 AM, MONDAY, FEBRUARY 27, 2006, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. MEMBERS WILL JUDGE (CHAIRMAN), BILL BERNT, SCOTT FARR, AND MARCUS GIBBS WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD AND TECHNICAL RECORDS SPECIALIST BONNIE FOGDALL. WAYNE HUNSUCKER WAS EXCUSED.

Chairman Judge called the meeting to order at 8:30 a.m. Director Howard welcomed new Board member Scott Farr. *IOGA Director, Grant Simonds, joined the meeting at 9:15 a.m.*

**Review of Agenda:** Director Howard reminded the Board that they would be meeting with the Senate Resources Committee right after lunch in preparation for confirmation of two Board members. The Board discussed consent agreements and their purpose including both time and cost savings. The Board discussed including the consent agreements with the consent agenda and asked the Director to advise them whether this was possible. Board member Gibbs indicated there had previously been some discussion within the Idaho Fish and Game (IDFG) on 6 percent versus 3 percent and until the IDFG Commission meets at the end of the week, the Board will not know the IDFG Commission's intentions regarding any additional tags. **St. Joe River reallocation:** Director Howard stated that earlier he had provided the Board a letter from Mr. Tom Loder regarding concerns that he had with the changes the Board and the USFS were proposing. Director referred to a draft response that he had prepared from input he had received from Board members who had reviewed the Mr. Loder's concerns. The Board said the letter responded to Mr. Loder appropriately and asked Director Howard to move forward with the letter. **Unit 45 Update:** Director Howard reported that George Peter had yet to provide a satisfactory response to the Working Group that would meet the terms of the prospectus as directed in the August 2005 Board meeting. He recommended that Mr. Peter be given an additional opportunity to provide the information and that Mr. Peter felt that he could do by mid-April. Director Howard suggested that Board Members Scott Farr and Marcus Gibbs, replacement for Board member Ray Lyon who had retired from the Board last fall, be a Working Group on this matter. Director Howard suggested that if Mr. Peter is not able to respond satisfactorily the Working Group

reconsider the prospectus and direction. He reminded the Board that the other opportunities made available through the prospectus had never received a suitable application and that this matter should be taken up by the Working Group when they meet in April. The Board discussed the overall situation, changes the IDFG was considering with the Land Owner Appreciation Tags, Access Yes and private property rights. They agreed to the direction suggested by Director Howard and to take this matter up again at a future meeting. **License Processing Report:** Director Howard gave statistics about the numbers of licenses that had been processed since the last Board meeting. The statistics show that license processing was slightly behind last year, but staff has now taken care of the backlog and has actually processed more licenses to-date this year than last. **Capital outlay transfer:** The Director explained the computer used by the Licensing Clerk crashed and was replaced and that he had purchased a laptop for staff to use to interface with the office when traveling. He explained that funds were transferred from operating to capital outlay as shown in the budget report. **2007 Budget:** Director Howard explained to the Board that he would be presenting a one-time request for a supplemental budget increase to update the IOGLB database that is used for licensing. He said it had been approximately ten years since the initial database had been developed, that needs have changed and that new technology is requiring the update. He said to allow operating area descriptions to be tied together with use reports is critical for area management, outfitter big game tag allocation and implementation of the geographical information system (GIS) database that is nearly complete. **The Director said that he had several other matters to discuss. The Chairman said that additional time would be made available later in the meeting.**

MSC (MOTION GIBBS, SECOND BERNT -UNANIMOUS) TO APPROVE THE CONSENT AGENDA.

MSF (MOTION GIBBS, SECOND BERNT - FAILED) TO APPROVE MEETING MINUTES FOR REGULAR BOARD MEETING NOVEMBER 28-30, 2005 AND SPECIAL BOARD MEETING JANUARY 24, 2006 WITH THE INCORPORATION OF THE CORRECTIONS MADE BY THE BOARD. Mr. Gibbs was open to amending or removing motion, second also willing to amend or remove motion. MSC (MOTION GIBBS, SECOND BERNT - UNANIMOUS) TO APPROVE MEETING MINUTES EXCEPT NOVEMBER 28-30, 2005 MEETING MINUTES WHICH WOULD BE APPROVED LATER IN THE BOARD MEETING

Board member Farr said the Board policy regarding the default of a sales contract and the basis for the area to be returned to the selling outfitter as reported in the minutes needed to be discussed.

MSC (MOTION FARR, SECOND BERNT - UNANIMOUS) TO ACCEPT THE PROBATIONARY REPORT AS PRESENTED.

MSC (MOTION BERNT, SECOND GIBBS - UNANIMOUS) TO APPROVE THE FINANCIAL REPORT AS PRESENTED. Mr. Bernt reported that had met with Director Howard and reviewed all the expenditure reports from the time Ray Lyon left until the end of February 2006 and that everything seemed to be fine.

*Recessed for lunch @ 11:28 a.m*

At 1:30 the Board met with the Senate Resources Committee regarding confirmation of Board members Gibbs and Farr.

*Board reconvened at 2:40 p.m. with the following attendees Chairman Will Judge, Board members Scott Farr, Bill Bernt, Marcus Gibbs; IOGLB Attorney Steve Scanlin; IOGLB Enforcement Chief BJ Snooks; LuVerne Grussing BLM, Mary DeAgüero, Area Ranger HCNRA; Scott Springer, Snake River Manager HCNRA; Rich Eggleston, BRE guide; Rusty Bentz, owner Snake River Adventures. Also in attendance were Executive Director Jake Howard and Bonnie Fogdall, Technical Records Specialist.*

**Appointment Rusty Bentz** - Director Howard explained to the Board that during the fall of 2005 he had suggested to Mr. Bentz that he meet with the Board relative to several long standing matters of concern to Mr. Bentz. Mr. Rich Eggleston who guides for Mr. Bentz was also present. To explain these concerns, Director Howard called the Board's attention to several letters from Mr. Bentz, and to responses that he or the USFS had prepared to Mr. Bentz or Mr. Eggleston on Mr. Bentz's behalf. He also provided a summary of Mr. Bentz's past violations some of which involve Mr. Eggleston. After an extended discussion, Chairman Judge asked Mr. Bentz to clarify why he was there. Mr. Bentz indicated he would like to (1) get permission to use the Snake River though he recognized he had never purchased a Snake River business, (2) get chukar hunting added to his outfitters license on SA8 though he had been on probation, (3) understand from the Board whether they would support an incorporation arrangement with another outfitter, and (4) determine whether the Board would allow him to become a Designated Agent for another business. Director Howard asked Mr. Bentz to explain Mr. Eggleston's involvement to the Board. Mr. Bentz said that Mr. Eggleston was licensed to guide for him. Mr. Eggleston later added that he ran a boat rental business out of Clarkston, Washington, that he ran an upland game shooting club in Washington and that he was a booking agent for outfitters including Mr. Bentz. Director Howard asked both men if they understood the 3<sup>rd</sup> party agreement requirements between an outfitter and a booking agent. They said that they did. Mr. Bentz stated that he also had been contacted by the Idaho Department of Labor about his past employment practices as the result of Director Howard's contact with them and said that he had been cleared. Mr. Grussing indicated he had signed a land manager's statement allowing Mr. Bentz to chukar hunt on SA8. Chairman Judge informed Mr. Bentz they would take the matter under advisement, make a decision later in the meeting, and he would be notified.

*Chairman Judge recessed the meeting at 4:15 p.m. and in accordance with the provisions of Sec. 67-2345, Idaho Code, the Board adjourned to Executive Session. Executive Session ended approximately 5:25 p.m. with no decisions made or actions assigned.*

*Chairman Judge reconvened the Board Meeting at 8:27 a.m. on Tuesday, February 28, 2006. The following Board members were present: Bill Bernt, Scott Farr, Wayne*

*Hunsucker, and Marcus Gibbs. Also present were IOGLB Executive Director Howard, Board Counsel Steve Scanlin and Bonnie Fogdall, Technical Records Specialist.*

**Hearing – Snake River Adventures Operating Area Adjustment** Additional attendees for the hearing were: Mary DeAgüero, Area Ranger Hells Canyon National Recreation Area (HCNRA); LuVerne Grussing, Bureau of Land Management (BLM); Scott Springer, Snake River Manager, HCNRA; Michael Luther, Snake River Adventures; Scott Chapman, Attorney for Mr. Luther. Mr. Scanlin noted this was a territorial adjustment hearing and read an opening hearing statement. Mr. Scanlin said that because of a previous appointment he would be exiting the meeting early but would return as quickly as possible, with Chairman Judge acting in his absence. Director Howard explained that in August 2005, the Board had learned from the Slate Creek Ranger District, USFS, that Snake River Adventures (Mr. Luther) had never been federally permitted for the SA6 section of the Salmon River, which Mr. Luther later relinquished as the result of Director Howard's contact. Director Howard explained that the Board had asked him to research Snake River Big Game hunting licenses, which led to the realization that Snake River Adventures had never been permitted for big game hunting, anywhere. Director Howard noted that there are several land management agencies involved and numerous private land owners in the Hells Canyon who could have issued permits and that Mr. Luther would need the appropriate permits as well as Board approval to provide big game hunting in Hells Canyon in the future. The Director explained that he had contacted the HCNRA River Manager Mr. Springer, Ranger DeAgüero, and Mr. Grussing so they could be in attendance. Mr. Chapman conceded that Mr. Luther had never been permitted specifically for big game hunting; however, he provided a letter signed by a former HCNRA River Ranger, who stated that in his opinion relative to the business Mr. Luther bought, big game hunting was considered incidental to boating. Mr. Chapman further explained that Mr. Luther needs to keep big game hunting on his license while he is seeking land manager approval and permits. Mr. Luther described his understanding of historic use in the area that allowed boaters transporting hunters to also guide, if needed. He described his area as the Lewiston to Granite Creek segment of the Snake River. Director Howard commented that there are land-based outfitters in this area that are allowed to hunt to within two miles of the river. Discussion ensued regarding various outfitters, both land-based and river-based, in the area and their operating areas. Mr. Springer confirmed that there is no federal authorization for outfitted big game hunting on lands along the Snake River in the HCNRA. Mr. Springer said that no documentation exists but that Mr. Luther's existing license would be a consideration if and when Mr. Luther ever applied for big game hunting. Board member Bernt reminded the Board that permits didn't used to be as detailed as they are today and that fact needs to be taken into consideration. Mr. Springer discussed the HCNRA's review of historical records since 1973 that were related to this matter. He said that permits have not been issued to any river outfitters for guided big game hunting, but that Mr. Luther and other boating outfitters had been able to provide unguided drop off opportunities for big game hunters, which included transporting meat down the river. The authorization had never included guiding, drop camps or packing meat to the river. Mr. Luther clarified that he is currently providing transportation of hunters and cargo on the river, he allows clients to hunt big game on private land from his own private lodge

on the river, but he is not guiding hunters. Mr. Chapman thanked the Board for their time. Chairman Judge informed everyone that they would take the matter under advisement, make a decision later in the meeting, and they would be notified.

*Recessed for break at 10:15 a.m. and reconvened at 10:30 with Enforcement Chief BJ Snooks joining the meeting.*

**Presentation of Consent Agreements** - Chief Snooks said he was presenting these cases instead of the Enforcement Attorney, Steve Tobiason, in accordance with Board direction for handling minor fish and game violations.

**Consent agreement Steve Hosford** – Chief Snooks explained the facts of the case. He stated that Mr. Hosford was in violation of his outfitter license because he had been cited by the IDFG for hunting from a motorized vehicle. Mr. Hosford had agreed to the OGLB stipulation and consent agreement. MSC (MOTION FARR, SECOND BERNT – UNANIMOUS) TO ACCEPT THE STIPULATION AND CONSENT AGREEMENT FOR STEVEN HOSFORD. The stipulation accepted by the Board ordered Mr. Hosford to (1) reimburse the Board the total sum of \$64.66 for the investigative and other costs incurred by the Board as outlined and (2) have his [Mr. Hosford’s] designated agent and guide licenses show he is on probation for one year.

**Consent agreement Jason Cataldo** -- Chief Snooks explained the facts of the case. He stated that Mr. Cataldo was in violation of his outfitter license because he had been cited by the Forest Service for not obeying posted signs. Mr. Cataldo had agreed to the OGLB stipulation and consent agreement. MSC (MOTION GIBBS, SECOND FARR – UNANIMOUS) TO ACCEPT THE STIPULATION AND CONSENT AGREEMENT FOR JASON CATALDO. The stipulation accepted by the Board ordered Mr. Cataldo to (1) reimburse the Board the total sum of \$64.66 for the investigative and other costs incurred by the Board as outlined and (2) have his [Mr. Cataldo’s] designated agent and guide licenses show he is on probation for one year.

**Report on Coast Guard Rules** - Chief Snooks handed out and discussed the Coast Guard interim rule published in the *Federal Register* (Vol. 71, No. 9, Friday, January 13) relating to validation of merchant mariners’ vital information and issuance of Coast Guard Merchant Mariner’s licenses and certificates of registry. Chief Snooks explained that this new rule requires Coast Guard license applicants (new and renewals) to travel to a Regional Examination Center (REC) to have their identity checked and their fingerprints taken for a criminal record review by the Coast Guard. The closest REC is in Portland or Seattle. This new rule is going in the opposite direction of IOGLB’s requests to have a Coast Guard examiner come to Boise at regular intervals to process mariner’s licenses along with having local law enforcement agencies take guides’ and outfitters’ fingerprints to submit to the Coast Guard.

IOGLB is still working with the Coast Guard on a draft MOU addressing licensing and training requirements. This new rule may alter that MOU.

*Recessed for lunch at 12:15 p.m. Reconvened at 1:15 p.m. with all Board members present. Also in attendance were Executive Director Jake Howard, Bonnie Fogdall, and Office Specialist Maria McKeeth.*

**Snake River Adventures Operating Area Adjustment – Continued:** Chairman Judge reconvened the session by asking for a decision on the Michael Luther matter since the Board was ahead of schedule on the agenda. MSC (MOTION HUNSUCKER, SECOND FARR - UNANIMOUS) TO INSTRUCT SNAKE RIVER ADVENTURES (MR. LUTHER) TO WORK WITH THE AGENCIES SO HE MAY SUBMIT THE NEEDED PERMIT APPLICATIONS. WITHIN THE NEXT 4 MONTHS AND NO LATER THAN ONE YEAR FROM THE FEBRUARY 2006 BOARD MEETING, MR. LUTHER IS TO PRESENT THE BOARD WITH PERMITTING RESULTS. THE MOTION DOES NOT CHANGE MR. LUTHER'S CURRENT LICENSE ALTHOUGH WITHIN THE NEXT YEAR, THE INTENT IS TO MATCH THE IOGLB LICENSED AREA OF OPERATIONS WITH THE FOREST SERVICE AND OTHER PERMITTED AREAS SO THEY ARE IN SYNC.

Director Howard asked for clarification and reminded the Board that Mr. Luther is not licensed on private land at the present time. The Board asked the Director to explain to Mr. Luther in a letter that he must provide specific land owner agreements in order to be licensed on any private lands within the already established two-mile reach of the river where he is now licensed. Board member Bernt suggested the private land manager signoffs may be considered by the Board, since private land is intermingled with other state and federal lands resulting in conflicting use. It was also noted that it should be explained to Mr. Luther that currently Snake River Adventures has the appropriate license to only transport big game hunters and meat on the river and that he cannot provide guided hunting, drop camps or meat packing until the permit issues are resolved. Director Howard asked the Board about the exact species on the license for Mr. Luther's big game hunting. The Board reviewed the license and pointed out that the operating area description was specific to species and that the activities listed on the operating area description should stay the same. Finally, Director Howard asked for permission to contact the other outfitters on SN12 and SA8 identified as the result of his research who may have similar license/permit issues. The Board instructed Director Howard to move forward in making these contacts and to keep them informed.

*The meeting was joined at 1:45 p.m. by Steve Tobiason, IOGLB Enforcement Attorney; BJ Snooks, Enforcement Chief; and Steve Scanlin, Board Attorney.*

**Consent Agreement Warren Hicks** -- Mr. Tobiason explained the complaint against Mr. Hicks was regarding moving a private hunter's camp without his permission or knowledge. Mr. Tobiason also outlined the stipulation and consent agreement. Board member Farr expressed concern that Mr. Hicks was getting off very lightly for the offense. Board member Gibbs agreed and asked that the letter of instruction inform Mr. Hicks that the penalty reflects the fact that it was a first offense. There was discussion about denying the consent agreement and requiring Mr. Hicks to appear before the Board. MSC (MOTION BERNT, SECOND HUNSUCKER – PASSED (Judge, Bernt, Gibb.

Hunsucker, AYE; Farr, NAY) TO ACCEPT THE STIPULATION AND CONSENT AGREEMENT FOR WARREN HICKS. The stipulation accepted by the Board ordered Mr. Hicks to: (1) provide a letter of apology to the private hunter, Bill Howell; (2) reimburse the Board the total sum of \$200.00 for the investigative and other costs incurred by the Board as outlined; and (3) comply with the letter of instructions that the Board provides.

**Consent Agreement Art Griffith, dba Iron Horse Outfitters** - Mr. Tobiason explained that Mr. Griffith had failed to pay for two horses he had leased and lost. In addition, Mr. Griffith had been convicted in Montana for illegally harvesting two elk. Mr. Tobiason stated that Mr. Griffith is prepared to sell his business as of March 21, 2005. Money from the sale will pay the Board fine, the Board costs and the reimbursement to the complainant. Mr. Griffith's license will be suspended until March 31, 2006. If the sale of the business is not completed by March 31, then the license will be revoked. MSC (MOTION FARR, SECOND HUNSUCKER - UNANIMOUS) TO ACCEPT THE STIPULATION AND CONSENT AGREEMENT FOR ART GRIFFITH. The stipulation accepted by the Board ordered Mr. Griffith to: (1) reimburse Big Sky Horse Leasing the sum of \$2,400.00; (2) pay a fine of \$4,000.00; (3) reimburse the Board the total sum of \$530.55 for the investigative and other costs incurred by the Board; (4) have his [Mr. Griffith's] outfitter and guide license immediately suspended and ultimately revoked on or after April 1, 2006; and (5) pay fines and costs pursuant to the escrow account established to handle the payment of fines and costs as set forth above; or the funds will be paid in accordance to the "Assignment of Portion of Proceeds from Sale of Outfitters and Guides Business" as directed to First American Title on March 1, 2006. The buyer's application for an outfitter license has been approved; however, the issuance of the actual license shall occur simultaneously with the payment of the fine and costs by the escrow or closing agent.

**Consent Agreement William Weisenberg** - Complaint involves an altered first aid card. Mr. Tobiason explained the stipulation agreement. MSC (MOTION FARR, SECOND HUNSUCKER - UNANIMOUS) TO ACCEPT THE STIPULATION AND CONSENT AGREEMENT FOR WILLIAM WEISENBERG. The stipulation accepted by the Board ordered Mr. Weisenberg to: (1) pay a fine of \$100.00; (2) reimburse the Board the total sum of \$500.00 for the investigative and other costs incurred by the Board as addressed in the Stipulation and Consent Agreement; and (3) have his [Mr. Weisenberg's] guide license indicate he is being placed on probation for three years.

**Rusty Bentz - continued:** Chairman Judge requested the Board consider the Rusty Bentz matter since there was additional time before the next agenda item. Director Howard reminded the Board that there are no boat limits on the lower Salmon and that portion of the Clearwater which are of Mr. Bentz's concern. Board Member Farr said that he was very concerned with Mr. Bentz past record and his intent. He said it appeared that Mr. Bentz's intention was to find some way to circumvent the established Outfitters and Guides policies. The Board concluded that that they would review any partnership agreement submitted by Mr. Bentz or Mr. Shultz to ensure that: (1) the partnership agreement is a full partnership, (2) the agreement includes all licensed operations and

activities, and (3) it would not focus only on sections where Mr. Bentz or Mr. Shultz are currently not licensed in such a way to give them unrestricted use. The Board also said that they would consider putting operational limits on rivers currently having unrestricted boat limits if compounding use increased as the result of Mr. Bentz' or any other partnership. Board member Farr suggested Director Howard make clear to Mr. Bentz that the Board will closely scrutinize his future activities and that Mr. Bentz will be liable for the actions of his partner, if a partnership is created. There was discussion about it being inappropriate for an individual to be licensed as a Designated Agent with two different outfitters operating on the same river section as it created a conflict of interest. Director Howard responded that he would prepare a letter to Mr. Bentz.

**Board Action:** The Board discussed that they needed to clarify third party booking arrangements, what designated agents are authorized to do, etc. to ensure that all understand the options and process. Board asked Director Howard to put together a presentation at a future meeting to deal with this issue. It was discussed that would include getting people from travel councils, trade agencies, enforcement, and other interested parties to provide input.

MSC (MOTION FARR, SECOND BERNT – UNANIMOUS) FOR THE BOARD TO INSTRUCT DIRECTOR HOWARD TO SEND MR. BENTZ A LETTER STATING THE BOARD SEES NO IMMEDIATE RESOLUTION TO MATTERS DISCUSSED. THE BOARD IS NOT AWARE OF ANY ACTION THAT COULD BE TAKEN TO OBTAIN AN SN12 LICENSE IN THE CURRENT SITUATION. MR. BENTZ SHOULD BE ADVISED THAT THE BOARD HAS CONCERNS ABOUT THE OPTIONS MR. BENTZ PROPOSED TO THE BOARD. IF A PARTNERSHIP IS FORMED AND THE BOARD DETERMINES THERE MAY BE A COMPOUNDING IMPACT ON RESOURCES, RESTRICTIONS MAY BE CONSIDERED TO PROTECT THE RESOURCES. THE BOARD ENCOURAGES MR. BENTZ TO FULLY UNDERSTAND THE LIMITATIONS OF A DESIGNATED AGENT LICENSE.

**Director's Report - Continued: Clearwater Bear and Cougar Management Meeting**

**Report:** Board received copies of the draft meeting minutes from the Tri-Agency Meeting held in Kamiah earlier this year. Director Howard reiterated that outfitters are not participating in cougar and bear management to the extent that they probably could and should. The Board confirmed that they would consider mandatory overlaps in the Clearwater Zone on a case by case basis that were recommended to them by the Tri-Agency Task Force. The also asked the Director to prepare the letter that was requested by the Tri-Agency Task Force need to clarify the process. **Selway River & Tributary Report:** Director Howard discussed his latest interactions with the U.S. Forest Service (USFS) on the issue of the Selway river outfitters being limited to fishing only the first mile of the tributaries and acknowledged this is a contentious issue between the river-based and land-based outfitters. The Board discussed this matter and asked the Director to communicate with the USFS and IDFG the Board's concern. **Rules Update:** Director Howard reported that the rules should be promulgated without further action needed. **Board Projects/Tasks:** Director Howard suggested that the Board assign one or two

Board members to various projects such as the strategic plan, the booking agent issue. This would be consistent with the Working Group the Board assigned to handle the Unit 45 matter. Board agreed with the task assignment concept and asked the Director to come back with requests as projects move forward.

*Brief recess for break @ 3:25 p.m. and reconvened at 3:37 p.m. Sandy Podsaid joined the meeting at this time. Board attorney Scanlin joined the meeting at 4:15 p.m. IOGA Director Grant Simonds joined the meeting at 4:45 p.m.*

**Sandy Podsaid request for appointment** –Director Howard introduced Mr. Podsaid. Mr. Podsaid said his purpose was to try to put out some fires. Mr. Podsaid indicated he was selling a portion of his business to Randal Parks. Mr. Podsaid indicated he is not anti-government but is pro-business and is asking the Board to support some of his proposed actions. Mr. Podsaid discussed his interactions with the Forest Service and Fish and Game, especially relating to interactions with Tony McDermott, IDFG, on the Snow Peak area; various tickets and probation actions; outstanding bills; and interaction with Director Howard. Mr. Podsaid wants his meeting with the Board to be on the record in case his concerns end up in court. Mr. Podsaid said he wanted an explanation why his corporation paperwork is in question. He indicated he will be a sole proprietor and will be “doing business as” A-W Outfitters. Director Howard explained to the Board that Mr. Podsaid was referring to an email to USFS Permit Administrator regarding processing Randal Parks’ license application and a question related to how the license would be issued if Mr. Podsaid stayed involved in a LLC agreement with Mr Parks. It had nothing to do with Mr. Podsaid personally. Mr. Podsaid said he had paid his IOGLB license renewal as an Inc. and that he will be amending his license to become a sole proprietor. Mr. Podsaid was questioned about whether he was booking hunters for himself or the business that he is selling. Mr. Podsaid indicated the bookings are still coming to him with the understanding that they will be given to the new owner once the sale is complete and provided that Mr. Parks licenses him as guide so he can guide the hunters. Mr. Podsaid said he was selling the part of the business that is licensed in the Snow Peak hunting area. He said that his snowmobiling business, currently operating in the area where his hunting business is, was being sold to Mr. Parks but he was keeping the snowmobile business operating on the larger area (“circle”) outside of the hunting business area. He would also do summer recreation on state lands behind his house and was pursuing a permit for that area. Mr. Podsaid said he ultimately wants to do a school for permit administrators and wanted the Board to promulgate a rule that would require their participation.

Mr. Podsaid referred to page 16 of the MOU and requested the following: 1) BJ Snooks do an investigation on the trail in question regarding FS jackhammering incident involving the USFS, discussed in a letter sent to Mr. Snooks by one of Mr. Podsaid’s former clients. 2) Requests that the Board ask the USFS why outfitter evaluations are not signed by the outfitter, which Mr. Podsaid’s weren’t. He said that Mark Compton of Senator Crapo’s staff is writing a supplemental letter. Mr. Podsaid said that he would like to get a directive from the State of Idaho to certify FS camp evaluators to a standard; 3) Requests that Director Howard send a letter to Mr. Parks stating that OGLB has no

problem with Mr. Podsaid guiding for Mr. Parks. 4) Requests that Chairman Judge sit down with Mr. Podsaid and Mr. Parks if an issue arises where Mr. Podsaid is not licensed to guide for Mr. Parks.

Chairman Judge asked Mr. Podsaid what he thought his business would be a year from now. Mr. Podsaid said Randal Parks, Centennial Outfitters, would be conducting the hunting portion. Mr. Podsaid would be guiding for Mr. Parks, probably for the next 4 years while the conditions of the sales contract are being fulfilled. He said that he wanted to protect his investment in the event that Mr. Parks had to default. Mr. Podsaid would be running the camp he currently has approved from Mary Price, USFS. Mr. Podsaid assured the Board he was aware of third party booking agent policies and was not conducting his activities in that fashion. He assured the Board that the paperwork would track with the necessary process. Mr. Podsaid said there was not explicit language in the sales agreement that Mr. Parks would get Mr. Podsaid's currently booked hunters, but that was his intent. Mr. Podsaid told the Board he was sure that another outfitter would use his services as a guide if he was not in the employment of Mr. Parks at the time the hunting season started, and that the clients he booked could either be refunded or could hunt with Mr. Parks. Mr. Podsaid also said he would guide those clients for Mr. Parks or for whoever would hire him. Mr. Podsaid indicated his current agreement with the hunters he booked for this area was contingent on him being the guide.

It was discussed that whether Mr. Podsaid had been informed by the USFS that his permit expired December 31. He said that if that were the case, he was unaware of it. Mr. Podsaid would like the Board to ensure he is not losing activities for which he is currently licensed. He said he had become aware of some confusion with the Secretary of State and the State Tax Commission relating to his outfitter business. Director Howard reassured Mr. Podsaid that he and the Board were here to help him through the buy/sell license application process, and it was therefore necessary to ask some questions about the business process Mr. Podsaid was following. Director Howard said the confusion that Mr. Podsaid was referring to needed to be researched by IOGLB staff.

Director Howard asked about snowmobiling. Mr. Podsaid said that he has Priest Lake to St. Maries on his permit which is different than what is on his "circle" that he is selling to Mr. Parks. Director Howard reiterated the Board's previous policy that an outfitter selling a business would have no outstanding debts associated with that business. The question arose as to whether the outstanding veterinarian bill would need to be paid prior to the sale of the business. No decision was reached at that point in time.

Director Howard asked the Board to give him direction regarding licensing matters relating to (1) Mr. Podsaid's sale of a portion of his business and (2) the termination of A-W Outfitters' incorporation license.

Mr. Podsaid said that he plans to attend the Fish and Game Commission meeting and get to the bottom of issues raised by the Region 2, IDFG regarding the non-renewal of his Snow Peak permit. Mr. Podsaid indicated he would like to be able to get his Snow Peak permit issues with IDFG resolved so, in the event that Mr. Parks had to default, he would

get the area back in its entirety. He asked the outfitters on the Board to support his cause. Mr. Podsaid thanked the Board for their indulgence in allowing him to present his case.

Chairman Judge informed Mr. Podsaid they would take the matter under advisement, make a decision later in the meeting, and he would be notified. Mr. Podsaid said that he planned to attend the rest of the Board meeting.

*Mr. Podsaid and Mr. Simonds left the meeting at 5:07 p.m. and returned at 5:20 p.m.*

**November 28-30, 2005 Minutes continued** - Chairman Judge recalled the previously tabled agenda item of the Board meeting minutes for November 28-30, 2005. MSC (MOTION BY FARR, SECOND BERNT - UNANIMOUS) TO INCORPORATE MEETING MINUTE CLARIFICATIONS/ TYPOGRAPHICAL ERRORS AS CORRECTED.

**Board Action:** The Board asked Director Howard to prepare a draft policy regarding the default of a sale contract and the basis for the area to be returned to the selling outfitter and provide a recommendation at a future Board meeting.

*Chairman Judge adjourned the meeting at 5:37 p.m. and reconvened the meeting at 8:35 a.m. on Wednesday, March 1, 2006 with the following Board members present: Bill Bernt, Scott Farr, Wayne Hunsucker, and Marcus Gibbs. Also present were Executive Director Jake Howard and Bonnie Fogdall, Technical Records Specialist. Joining the meeting was Rob Jagers, BLM Salmon.*

Director Howard reviewed the agenda for the day.

**PROSPECTUS – OUTFITTED AND GUIDED FISHING ON LEMHI COUNTY SELECT STREAM SEGMENTS.** Mr. Jagers provided a map of the streams, explained the prospectus, and then recused him from evaluations. Board discussed proximity of fishing areas to accommodations for clients. An important factor is the outfitter knowing where and when the opportunity arises to fish. Mr. Jagers indicated the BLM would follow this prospectus recipient closely to ensure private lands are respected. Board discussion of applicant information continued. Central location, experience levels, thorough knowledge of the entire area to prevent landowner conflicts, overnight accommodations were all discussed.

MSC ( MOTION HUNSUCKER, SECOND BERNT – UNANIMOUS) LEMHI VALLEY EXPEDITIONS BE APPROVED AS SUCCESSFUL APPLICANT BASED PRIMARILY ON THE EVALUATION CRITERIA THAT THEY ARE CURRENTLY LICENSED IN THIS AREA, HAVE KNOWLEDGE OF OPERATING AREA, THAT THE SELECTION COMPLEMENTS AN EXISTING BUSINESS, AND IS BASED ON THE APPLICANT’S ABILITY TO PROVIDE ALL SERVICES REQUIRED.

Mr. Bernt said that since Mr. Jagers was present, he had a question relating to Silver Cloud Expeditions, Chris Swersey's amendment application that states his business was the only one that had an SA4B and not an SA4A license. Director Howard indicated options are a prospectus, a Notice of Intent to Permit/License, or a territorial adjustment, which would require a hearing. Board discussed waiting list process and notices of intent to license.

**MSC (MOTION GIBBS, SECOND FARR – RESCENDED) BOARD PROCESS SILVER CLOUD'S APPLICATION FOR THE VACANT SA4A STRETCH. Mr. Gibbs, Mr. Farr – agreed to rescind existing motion. MSC (MOTION GIBBS, SECOND BERNT – UNANIMOUS) BOARD AUTHORIZES DIRECTOR HOWARD TO PROCESS EXISTING AMENDMENT OF SILVER CLOUD OUTFITTERS TO AWARD THE VACANT SA4A FLOAT LICENSE TO THE EXISTING OUTFITTER WHO HOLDS AN SA4B BUT DOES NOT HAVE AN SA4A LICENSE.**

Director Howard said that he work with Mr. Jagers to follow the Notice of Intent to Permit/License process and would make the Board aware if their were any objections.

Chairman Judge revisited the issue of SA4A. Director Howard indicated there are both a power and float openings on SA4A. Mr. Gibbs clarified that the intent of his motion was for float portion of the SA4A only since that was his understanding of the nature of Silver Cloud's business. The question of power boating on SA4 section of the Salmon was also discussed relating the issue of non-use and it was determined to put a moratorium on power use on the SA4A section and to revisit the power boat use on that section.

Mr. Bernt also asked the Board to review big game hunting in the Salmon area. Mr. Jagers indicated the National Environmental Policy Act (NEPA) process would have to be completed, complemented by a prospectus. This would take interactions with regional Forest Service and Fish and Game agencies.

*Short break from 10:50 a.m. to 11:15 a.m. Mr. Jagers left the meeting, Brad Compton from Idaho Department of Fish and Game joined the meeting. All Board members, Director Howard, Mrs. Fogdall, and Mr. Podsaid were also present. Grant Simonds joined the meeting at 11:25 a.m.*

**Landowner Appreciation Program** – Brad Compton – Mr. Compton gave the Board an explanation of potential changes to the Access Yes Program, and the Land Owner Appreciation Program.

**Allocation** – Mr. Compton explained the current IDFG staff recommendation on new allocation permits including a 6 percent consideration for outfitters on new hunts. Mr. Gibbs indicated the F&G Commission was meeting on this issue at the end of the week and that there appeared to be some confusion on what the Commission was expecting. Mr. Gibbs' recollection as a commission member, not a commission position, was that the purpose of the allocation vehicle was to provide equity between outfitters and the public as biological factors change. Director Howard reminded the Board that the

historical use statistics the Board was reviewing are proprietary information and that they could not be released for public dissemination. Chairman Judge and Director Howard thanked Mr. Compton for his time in presenting the information to the Board.

*Chairman Judge recessed for lunch at 12:25 p.m. and reconvened the meeting at 1:17 p.m. with all Board members present. Also present were IOGLB Enforcement Chief BJ Snooks, Board attorney Steve Scanlin and Maria McKeeth, Office Specialist. David Taylor participated by teleconference.*

**Guide License Hearing David S. Taylor** - Mr. Scanlin introduced the case and swore in the witnesses, Chief Snooks and Mr. Taylor. Mr. Taylor stipulated to his waiver of proper notice as the appointment was changed from Monday afternoon. Mr. Scanlin then explained the procedures. Chief Snooks testified that Mr. Taylor's guide license was denied due to failure to disclose a Fish and Game violation. Mr. Taylor stated that he had inadvertently taken trout from the Lochsa River in excess of the bag limit. He was fined by the judge but not otherwise penalized. He stated that he overlooked the violation when filling out his guide license. Mr. Gibbs asked whether Mr. Taylor had any other violations since this one – he had not. Bernt asked what the bag limit was where he was fishing. Mr. Taylor replied that he believed that it was 6 on the stream and catch and release on the Lochsa. Mr. Gibbs asked about the jury trial Mr. Taylor had requested, it was responded that he was cleared of that charge and it is not before the Board. Mr. Taylor summed up by saying that he would prefer to have a guide license if possible. He reiterated that the non-reporting of the violation was an oversight. Chief Snooks stated that Mr. Taylor had been honest in coming forth and patient as we worked through this matter. Chief Snooks recommended that Mr. Taylor be given his license and deferred to the Board's discretion in the matter of costs. Mr. Taylor stated that he would agree to pay any costs the Board charged him. Mr. Scanlin declared the hearing closed. MSC (MOTION BERNT, SECOND GIBBS - UNANIMOUS) TO GRANT GUIDE LICENSE WITHOUT PROBATION OR RESTRICTIONS AND TO CHARGE THE COSTS (\$177.30) OF BRINGING THE ACTION.

*Chief Snooks and Mr. Scanlin left the meeting at 1:47 p.m.*

MSC (MOTION BERNT, SECOND GIBBS - UNANIMOUS) TO DISCUSS PERSONNEL ISSUES (1:47 P.M.) MSC (MOTION BERNT, SECOND GIBBS - UNANIMOUS) TO COME OUT OF EXECUTIVE SESSION WITH NO MOTIONS OR DECISIONS MADE (2:35 P.M.)

*Meeting reconvened at 2:25 p.m. with all Board members, Director Howard, Bonnie Fogdall, Maria McKeeth and Mr. Podsaid in attendance.*

**Sandy Podsaid – Continued:**

MSC (MOTION HUNSUCKER, SECOND GIBBS - UNANIMOUS) IF CURRENTLY OUTSTANDING VETERINARY BILL REMAINS UNPAID UPON SALE OF MR. PODSAID'S BUSINESS, VETERINARY BILL PAYMENT MUST GO INTO

ESCROW ACCOUNT FOR PAYMENT ON FINAL SALE OF BUSINESS. THIS MUST BE COMPLETED BEFORE BOARD CAN APPROVE LICENSE FOR NEW OUTFITTER BUYING MR. PODSAID'S BUSINESS.

MSC (MOTION – WAYNE HUNSUCKER, SECOND GIBBS, UNANIMOUS) AT DIRECTOR HOWARD'S REQUEST, THE BOARD INSTRUCTED DIRECTOR HOWARD TO BRING BEFORE THE BOARD THE REVIEW OF MR. PODSAID'S GUIDE LICENSES AND THE REVIEW OF MR. PODSAID'S LICENSE AMENDMENTS.

Director Howard indicated that he would help Mr. Podsaid in any manner to put the license and amendment application together for the Board to review. Mr. Podsaid said he felt comfortable working with Director Howard.

*Meeting adjourned at 3:40 and immediately reconvened to discuss Board officers.*

MSC (MOTION GIBBS, SECOND BERNT – UNANIMOUS) TO NOMINATE MR. FARR AS VICE CHAIRMAN OF THE BOARD. ALSO, ASKED THAT NOMINATIONS CEASE AND MR. FARR BE ELECTED BY UNANIMOUS BALLOT.

*With no further business to come before the Board, Chairman Judge adjourned the meeting at 3:50 p.m., March 1, 2006.*

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WILL JUDGE, CHAIRMAN

ATTEST:

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JAKE HOWARD, DIRECTOR