

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

**FINAL MINUTES**

**April 23-25, 2007**

**(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 8:35 A.M. APRIL 23, 2007, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. MEMBERS WILL JUDGE (CHAIRMAN), SCOTT FARR (VICE CHAIRMAN), WAYNE HUNSUCKER AND MARCUS GIBBS WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD AND BOARD SECRETARY LORI THOMASON, TOM LONG BOARD MEMBER WAS NOT PRESENT.**

**Hells Canyon Outfitter Operating Areas** – In attendance were Jon Barker representing Barker Trophy Hunts and Brad Compton representing IDFG. Director Howard reminded the Board that at their November 2005 meeting, the Board began the process of reviewing Snake River Adventures, Mike Luther's outfitter license due to confusion about whether Snake River Adventures license and permits were in sync as required of all Idaho outfitters. Out of this review, came similar concern regarding several other powerboat outfitters including Hells Canyon Adventures and Vogel Outdoor Adventures and two land based outfitters, Shattuck Creek Outfitters and Barker Trophy Hunts. The Director explained that during their February 2006 meeting, the Board decided that Snake River Adventures had the appropriate license to only transport big game hunters and meat on the river but that they cannot provide guided hunting, drop camps or meat packing until the permit issues are resolved. He explained that the Board later clarified that these restrictions pertained to the other two powerboat outfitters who were providing big game hunting activities from the Snake River in Hells Canyon. At that meeting, the Board made a decision to allow Snake River Adventures the opportunity to work with the Forest Service to clarify their permit and license and the Board gave the other outfitters a similar opportunity. The Board gave them all a year which ended in February 2006 to get matters straightened out with the various permitting agencies including the BLM, Idaho Department of Lands, the Idaho Department of Fish and Game along with private land owners in areas units 11, 13 and 18. The Director explained that each outfitter was provided a letter specific to opportunities to resolve their individual circumstances. At the current (April 2007) meeting, Director Howard provided a status report regarding each outfitters response to this matter and letters that had been received. He said that responses from Hells Canyon Outfitters and Barker Trophy Hunts were clear but that the response from the others was ambiguous. He said that neither Snake River Adventures

nor Vogel Outdoor Adventures had provided the clarified permits that the Board had requested in 2006. A discussion ensued.

**MSC (MOTION, FARR; SECOND, HUNSUCKER – UNANIMOUS) A MOTION THAT THE WORD “BREAKS” BE CLARIFIED TO BE HYDROLOGICAL DIVIDE OF THE SNAKE RIVER INTO HELLS CANYON ON JON BARKER’S AREA DESCRIPTION. THAT OTHERWISE THE USE OF PHRASE HYDROLOGICAL DIVIDE USED TO CLARIFY “BREAKS” BE SPECIFICALLY LIMITED TO JON BARKER’S OUTFITTER OPERATING AREA IN HELLS CANYON ALONG SN 8, 12 AND 14. TO CONSOLIDATE JON BARKER’S AREA DESCRIPTIONS FOR BIG GAME AND SHEEP HUNTING TO ONE AREA DESCRIPTION. GIVE DIRECTOR HOWARD THE DIRECTION TO MINIMIZE OR ELIMINATE BIG GAME HUNTING OVERLAPS IN THIS OVERALL EXERCISE AND TO OTHERWISE MOVE FORWARD WITH HIS RECOMMENDATIONS.**

The Board suggested that any decision on related matters be deferred until after Director Howard has had a chance to contact the aforementioned outfitters relative to his recommendations and as discussed by the Board. The Board said they would like all outfitters operating in area boundaries in Unit 11, 12 and 18 provided on a map for further discussion relative to land ownership before a decision is reached.

**Deferral of License of Amon Molsee** - The Director provided a new outfitter application for licensure for Amon Molsee who had purchased the Shattuck Creek Outfitters business from his father Andre. The Director pointed out that the sale involved several operating areas including an operating area in units 11 and 13 for cougar hunting. He said that he had licensed Amon Molsee for these other areas which were in another part of the state but had deferred the inclusion of the area in units 11 and 13 for cougar hunting due to there being part of the overall confusion existing in Hells Canyon which the Board had just discussed. The Director stated Andre Molsee had been contact by letter after the aforementioned February 2006 meeting and was given the opportunity to bring his license and permits in sync. He said it was not clear that a permit existed previously but is was clear that Andre Molsee had recently been permitted by the Idaho Department of Lands for units 11 and 13 for cougar hunting. The Director recommended that Amon Molsee be licensed for this area but that any future expansions must be addressed through an amendment. The Board discussed that this opportunity appeared to overlap with at least Mr. Vogel and Mr. Barker’s operating area and they stated that they felt it would be in everyone’s best interest to fully address the overlaps once so that the Board could be done with it.

**MSC (MOTION, HUNSUCKER; SECOND, GIBBS – UNANIMOUS) A MOTION THAT THE BOARD CONSIDER MR. MOLSEE IDAHO DEPARTMENT OF LANDS PERMIT AS RECOMMENDED BY THE DIRECTOR BUT DEFER A FINAL DECISION ON MR. MOLSEE’S OPERATING AREAS IN UNITS 11 AND 13 FOR COUGAR AND ADDRESS LICENSING COUGAR TO AMON MOLSEE**

**IN UNITS 11 AND 13 THIS WHEN OTHER RELATED MATTERS IN HELLS CANYON AREA ADDRESSED.**

*Chairman Judge calls a short recess for 20 minutes from 10:35 to resume at 10:55 a.m. Meeting resumed with all previously listed present.*

**MSC (MOTION, HUNSUCKER; SECOND, GIBBS – AYES JUDGE, FARR, GIBBS; NAYES -- NONE) AT 11:00 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. LITIGATION AND POTENTIAL PERSONNEL MATTERS WERE DISCUSSED. MSC (MOTION, HUNSUCKER; SECOND, GIBBS, AYES JUDGE, FARR, GIBBS; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 11:52 A.M. WITH NO DECISION MADE.**

*Chairman Judge recessed the meeting for lunch break at 12:00 p.m. and reconvened at 1:15 p.m. with all Board members present with exception of Tom Long and Scott Farr. Also present were April Heesacker Salmon Challis National Forest Service, Derek Ence, Norm Schenk with Salmon River Lodge, Jim Thomas, Rick Trusnovec Horse Creek Outfitters, and Steve Scanlin Board Attorney.*

**Hearing, Salmon River Lodge Territorial Conflict with Horse Creek Outfitters –**

The following parties were sworn in by Hearing Officer Scanlin: Derek Ence, VP of Ball Enterprises; Norman Schenk, CEO of Salmon River Lodge, Bob Lund Enforcement Chief IOGLB, April Heesacker, Recreation Permit Administrator, Salmon Challis National Forest; Rick Trusnovec, Designated Agent, Horse Creek Outfitters, Jim Thomas, partner Horse Creek Outfitter and Jake Howard, Executive Director.

Hearing Officer Scanlin gave a brief introduction and discussed several housekeeping items and explained how the hearing would proceed. He stated a Territorial Conflict hearing is conducted according to IDAPA Rule 026 - Operating Area Adjustments. Director Howard pointed out that the overall matter was initiated as the result of a letter sent to the Board in February 2006 by Mr. Trusnovec.

Mr. Trusnovec stated he felt that area is better suited to his operation and that he believes it is not being utilized properly by Salmon River Lodge (SRL); therefore, as the adjoining outfitter he would ask that the Board consider a boundary revision. Mr. Trusnovec and Mr. Thomas gave testimony that SRL has not been using this area. A map was supplied and he showed his operating area.

Mr. Ence and Mr. Schenk from SRL asked HCO if there was a sale pending. Mr. Thomas said no. Derek Ence then asked if there was someone who had attempted to purchase their business. HCO responded that there had been an offer to purchase their business and the sale had fallen through. Mr. Schenk said that Jim Dart had given HCO permission to trespass through to their camps to save a long drive to get up into the area. Mr. Schenk asked that the Board address the fact that there is no permission granted for

HCO to hunt or trespass he said that Rick Trusnovac has been illegally outfitting on their land. Mr. Schenk stated that SRL intended to use the area this year.

April Heesacker from the Forest Service confirmed that Salmon River Lodge had requested additional camps that were denied several times. She also stated that there is no reporting done on usage due to the lack of a camp in the area in question. She said she was not familiar with the ingress and egress of the area.

**MSC (MOTION, HUNSUCKER; SECOND, LONG – UNANIMOUS) THAT SALMON RIVER LODGE AND HORSE CREEK OUTFITTERS MAKE EVERY ATTEMPT TO COME TO AN AGREEMENT REGARDING AN AREA LAND EXCHANGE THAT COULD BE APPROVED BY THE BOARD. IF THEY ARE NOT ABLE TO COME TO AN AGREEMENT BY THE JUNE 2007 BOARD MEETING, THE BOARD WILL MAKE A DECISION RESOLVING THIS MATTER AT THAT TIME. THE BOARD FURTHER DIRECTS THE EXECUTIVE DIRECTOR TO EXPRESS TO BOTH OUTFITTERS THE BOARDS CONCERN ABOUT THE ASSIGNMENT OF PROPER AND IMPROPER ACTIVITIES WITHIN AND OUT OF THEIR OPERATING AREAS, AND OPERATING OUTSIDE OF ASSIGNED AREAS WITHOUT PROPER BOARD AUTHORIZATION.**

The Board also asked the Director provide a recommendation at the June meeting to clarify Salmon River Lodge's operating area to two or three functional operating areas where outfitter use can be more accurately reported to the Board annually. The Board felt that Salmon River Lodge's operating area description encompasses too large of an area for good use reporting.

*Chairman Judge recessed the Board Meeting for the day at 5:25 to reconvene tomorrow, Tuesday April 24, 2007 at 8:30 a.m.*

*Chairman Judge reconvened the meeting at 8:40 a.m. on Tuesday April 24, 2007, with the following present: Board Members Will Judge, Scott Farr, Wayne Hunsucker, Tom Long and Marc Gibbs, Director Howard, Enforcement Chief Bob Lund and Board Secretary Lori Thomason, April Heesacker USFS.*

**Prospectus Review** - The Board reviewed applications submitted in response to a prospectus that was issued earlier this year to fill a vacated operating area in the Salmon Challis National Forest.

**MSC (MOTION, GIBBS; SECOND, HUNSUCKER – AYES JUDGE, FARR, LONG, GIBBS; NAYES -- NONE) AT 10:15 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. PROPRIETARY MATTERS OF INDIVIDUAL OUTFITTERS WERE CONSIDERED DURING THE REVIEW PROCESS. MSC (MOTION, HUNSUCKER; SECOND, GIBBS, AYES JUDGE, FARR, GIBBS; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION.**

**EXECUTIVE SESSION ENDED APPROXIMATELY 2:21 A.M. WITH NO DECISION MADE.**

**MSC (MOTION, GIBBS; SECOND, LONG– AYES JUDGE, FARR, HUNSUCKER, GIBBS; NAYES – NONE) THE BOARD IS TO INTERVIEW THE TOP FOUR APPLICANTS AT THE JUNE MEETING FOR THE PROSPECTUS.**

**Application and Prospectus Process** - The Board discussed the new outfitter application and prospectus process and determined that prospectus scoring was too complex for the Board to make a good decision in the short amount of time they had available. They also felt that some of the application questions may be ambiguous and not relative to selecting the best applicant as an outfitter for a given area. The Board directed Mr. Howard to work with partnering agencies to improve the questions so they are relative to the individual areas and activities in question, that the agencies handle the initial prospectus application process and score or rate applicants as needed with the outcome being a recommendation made to the Board on those applicants the agency would be willing to permit. From this, the Board indicated they could schedule interviews if and as needed from which they would then make the final selection.

**Enforcement Report-** Enforcement Chief Lund gave explanation of his 2006 enforcement hours. He explained that they are banking hours for 2007 to start the 2007 year. Lund said that the color coding next to some names was for training needed for each enforcement officer. Some officers need to have continued training on an ongoing basis. Explanation was given on enforcement issues that have been investigated. He also suggested that applications for new outfitters and guides require proper names. When doing a background check it is very time consuming when nicknames and married names are given they are hard to reference without a proper name. The Board asked the Director to look into addressing this issue. Mr. Lund also asked the Board if they were prepared to make a decision regarding a request made at the February meeting concern criminal history checks.

**MSC (MOTION, FARR; SECOND, HUNSUCKER – AYES JUDGE, FARR, LONG, GIBBS; NAYES -- NONE) THE BOARD REQUIRE A CRIMINAL HISTORY CHECK TO BE PREPARED BY THE IDAHO STATE POLICE FOR ALL APPLICANTS FOR NEW OUTFITTER AND DESIGNATED AGENTS LICENSES AND FOR GUIDE LICENSES WHEN NECESSARY. A \$10.00 CHECK OR MONEY ORDER PAYABLE TO IDAHO STATE POLICE TO COVER THE COST OF THE CRIMINAL HISTORY CHECK MUST BE PROVIDE WITH THE LICENSE APPLICATION. WHEN APPROPRIATE A RELEASE WILL BE REQUIRED.**

Director Howard presented to the Board a proposal made by an Attorney representing Sandy Podsaid.

**MSC (MOTION, FARR; SECOND, HUNSUCKER– AYES JUDGE, FARR, LONG, GIBBS; NAYES -- NONE) AT 3:10 P.M. THAT THE BOARD ADJOURN TO**

**EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. LITIGATION AND POTENTIAL PERSONNEL MATTERS WERE DISCUSSED. MSC (MOTION, HUNSUCKER; SECOND, GIBBS, AYES JUDGE, FARR, GIBBS; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED APPROXIMATELY 4:05 P.M. WITH NO DECISION MADE.**

**MSC (MOTION, GIBBS; SECOND, HUNSUCKER– AYES JUDGE, FARR, LONG, GIBBS; NAYES – NONE) THAT THE BOARD INSTRUCT DIRECTOR HOWARD TO WRITE A LETTER NOTIFYING THE EMPLOYING OUTFITTER THAT MR. PODSAID’S APPLICATION FOR A GUIDE LICENSE BE BY HARD COPY AND AN INTERNET APPLICATION WILL NOT BE TAKEN. THE BOARD WILL REVIEW THE APPLICATION AT THEIR JUNE MEETING.**

**MSC (MOTION, GIBBS; SECOND, LONG– AYES JUDGE, FARR, HUNSUCKER, GIBBS; NAYES – NONE. THAT THE BOARD IS NOT INTERESTED IN ACCEPTING THE OFFER BY MR. PODSAID’S ATTORNEY REFERENCED IN THE LETTER. ADDITIONALLY, THE BOARD MOVES THAT DIRECTOR HOWARD NOTIFY MR. PODSAID THAT HIS OUTFITTER APPLICATION NEED TO BE IN WRITING AND PROPERLY FILLED OUT.**

**Hearing, Ronald Sherer dba Steel Mountain Outfitters** – Hearing Officer Scanlin swore in all parties. Prosecutor Steve Tobiason, Director Howard, Ronald Sherer. Hearing Officer Scanlin gave a brief introduction and discussed several housekeeping items; i.e., how the hearing would proceed. Mr. Sherer has been charged with 5 counts. The parties stipulated the facts behind counts III and IV of the complaint. Counts III was failure to check in a bear hide at a check station within 10 days of being harvested to which Mr. Sherer plead guilty. He was on probation with the Board at that time. Count IV was his performance bond was cancelled and as a result of cancelled bond his outfitter license was then cancelled. The parties stipulated to the dismissal of Counts I, II and V. If Mr. Sherer plead guilty to counts III and IV then counts I, II and V would be dismissed. Mr. Sherer stipulated to counts III and IV and counts I, II and V were dismissed.

**MSC (MOTION, FARR; SECOND, LONG – AYES JUDGE, FARR, HUNSUCKER, GIBBS; NAYES -- NONE) AS A RESULT OF THE HEARING MR. SHERER BE ASSESSED COST RECOVERY ON COUNTS III AND IV AND NO FINE. MR. SHERER WILL BE ELIGIBLE TO APPLY FOR A LICEESE WITH NO PROBATION. THE DIRECTOR IS TO PROVIDE MR. SHERER A LETTER OF INSTRUCTION INFORMING HIM OF NON-USE ISSUES AND THE BOARD’S POLICY.**

The Director was also asked to contact Mr. Sherer about outfitter area overlaps in which he may be involved and as explained to him in earlier letters to which he has not

responded and to explain that these overlaps must be addressed before he can be licensed, if he applies for re-licensure.

*Chairman Judge recessed the Board Meeting for the day at 5:25 to reconvene tomorrow, Wednesday April 25, 2007 at 8:30 a.m.*

*Chairman Judge reconvened the meeting at 8:40 a.m. on Wednesday April 25, 2007, with the following present: Board Members Will Judge, Scott Farr, Wayne Hunsucker, Tom Long, Director Howard, Enforcement Chief Bob Lund and Board Secretary Lori Thomason, Bill Bernt and Grant Simonds were also present. Marcus Gibbs was excused for the day.*

**Consent Agenda - MSC (MOTION, HUNSUCKER; SECOND, FARR – AYES JUDGE, FARR, LONG, GIBBS; NAYES -- NONE) TO APPROVE CONSENT AGENDA**

**MSC (MOTION, FARR; SECOND, LONG – AYES JUDGE, FARR, LONG, GIBBS; NAYES – NONE) BOARD ELECTED WAYNE HUNSUCKER AS TREASURER.**

**Financial Report - MSC (MOTION, HUNSUCKER; SECOND, LONG – AYES JUDGE, FARR, LONG, GIBBS; NAYES -- NONE) TO APPROVE FINANCIAL REPORTS**

*Chairman Judge calls a short recess for 20 minutes from 9:50 to resume at 10:10 a.m. Meeting resumed with all previously listed present.*

**GIS Demonstration** – Bart Butterfield and Brent Thomas with the IDFG demonstrated the Outfitters and Guides GIS Data base that being developed. Additionally a demonstration of how that system will work with the Idaho Tourism Website developed and maintain by Idaho Department Commerce and Labor to promote the tourism and all licensed outfitters. Peg Owen and Jeremy Chase presented this.

*Chairman Judge recessed the meeting break at 12:15 p.m. and reconvened at 1:55 p.m. with all Board members present with the exception of Board member Marcus Gibbs. Also present were Enforcement Chief Bob Lund, Executive Director Howard, and Board Secretary Lori Thomason, Grant Simonds and Steve Tobiason*

**Statute and Rules Working Group Recommendation** – In attendance were Grant Simonds IOGA, and Steve Tobiason, Board Prosecuting Attorney. Chairman Judge said that he felt there had been some confusion with the negotiated rule making process that had been facilitated through a Working Group comprised industry representatives and authorized by the Board. Board member Farr stated that in the future the Board must provide clear direction to Working Group on what they wanted out of them. He said that it had been difficult for him and the chairman to participate on the Committee as they both had originally planned. He said the time and travel commitment was significant.

Director Howard stated that the process, which had begun in November 2006, had been disrupted by several key staff changes that diverted his attention to day to day operations and away from the Working Group's effort. He explained that the meeting held in March was to get caught up and that some confusion may have resulted in the interim. He said that he understood that Mr. Simonds was going to coordinate the March meeting but he was unable to due to commitments he had with another IOGA activity. Mr. Simonds said he wanted to go on the record stating that there is more work to be done on rules that had not yet been addressed. He said the expectation in coming to the first meeting last November was that there would be a "let's go back to the drawing board" approach. Director Howard mentioned that other rules were identified during the first meeting of the Working Group still needed to be discussed but the focus thus far had been on the rules that appeared most problematic. He said there would have been discussion at the Working Group's April meeting about these other rules but the meeting was cancelled due to concerns presented by Mr. Simonds. He said it quickly became apparent that there is only so much that can be done with this size of group in individual meetings. There was discussion whether it was practical for the Board, Director, and Attorneys to spend time brainstorming a global change to all rules as initially discussed and of Mr. Simond's interest. Director Howard suggested that IOGA could coordinate a brainstorming exercise at one of their forth coming meetings and IOGA could provide "back to the drawing board" recommendations to the Board.

Mr. Tobiason and Director Howard discussed changes to statutes and rules that had come from the process. The Board directed that three of the four statutes be returned to the Working Group for final comments with the recommendation they be moved forward to the Governor and the Legislature for consideration during the 2008 legislature. The Board discussed the rules under consideration pertaining to third party arrangements, guides advertising, booking agents, employment requirements etc. and decided to focus on them at the next Board meeting; then provide direction to the Working Group for consideration possibly next year. Board member Farr said that it is not likely a large group of rules would be successful with the legislature and that they the need to be proposed in blocks. Director Howard and Grant Simonds will work together on a letter to the Working Group.

**Outfitter Invitation** - The Board asked Director Howard to invite individuals representing Idaho Adventures, Rocky Mountain River Tours and Wilderness River Outfitters & Trail Expeditions appear before the Board to discuss matters of the Boards concern.

**SA 4A & B** – Bill Bernt explained concerns regarding outfitter use of SA 4A & B and suggested that the Board consider consolidating these sections and reducing the total number of outfitters. The Board discussed with the Director placing a moratorium on additional licenses on these river sections until these matters could be addressed.

**MSC (MOTION, HUNSUCKER; SECOND, FARR - UNANIMOUS) THAT THE IOGLB APRIL BOARD MEETING BE ADJOURNED.**



*With no further business to come before the Board, Chairman Judge adjourned the meeting at 4:00 p.m., Wednesday, April 25, 2007.*

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WILL JUDGE, CHAIRMAN

ATTEST:

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JAKE HOWARD, DIRECTOR