November 13, 2013

Introduction

John Watts, Partner, Veritas Advisors, registered legislative advisor
Boulder Creek Outfitters
Owned by Tim and Matt Craig
Operating in Idaho since 1978
Licensed generally for areas near Peck, White Bird, Selway and Joseph Plains

History of Involvement

- Turkey Rules Discussed 2002
- Private Landowners – Outfitters – Land management agencies – Private hunters
- Private turkey hunters feared losing private land access to a landowner based upon a rancher-outfitter business arrangement versus a private hunter Christmas ham or other commodity or gift arrangement for favorable access. Public outfitting and guiding for turkey was then a concern, but is off the table today.

Testimony

The rule before us comes from an ongoing discussion about outfitting and guiding for wildlife in Idaho, in this instance, turkey and waterfowl bird species.

This debate certainly didn't start in 2009 leading up to a moratorium on outfitting and guiding turkeys and ducks, nor did it start a few summers ago as it then spanned the months and spread across the miles, literally, with the Idaho Outfitters and Guides Licensing Board (IOGLB) Advisory Working Group at their many meetings and several public hearings; and it will not end today with the IOGLB decision. It will continue as long as there are two sides to every coin, two sides to every creek, and two hunters that want to hunt on the same place.

The good news is issues change, and people evolve and rational minds meet. The IOGLB Advisory Working Group did just that. Good comes from discussion, review, contemplation, compromise and here we are today.

Rather than express emotion about my mountain, or my turkey or my right to hunt where and when I want, which I share as much as the next hunter, I am going to acknowledge that took place in the forums of the past advisory working group, thier public hearings and it continues to take place regularly before the Fish and Game Commission regarding any hunting or fishing. Those details and nuances of hunting fairness or unfairness I will leave to the working group and others; I am going to spend the bulk of my time on public regulation, policy, rule and process. In other words, how we got here today.

Tim and Matt Craig of Boulder Creek Outfitters thank you for organizing the working group the past few years, and for holding this hearing today and hearing their viewpoints.

Legal Authority

The authority for IOGLB to promulgate rules regulating outfitting and guiding in Idaho is found in Idaho Code Title 33 Chapter 21, and was upheld by the Supreme Court in 1992. These regulatory findings are fact regardless of whether the outfitting and guiding is for hunting deer or elk on public land, pheasant on a private shooting preserve, fishing in a public stream or in a private fishing pond, or pertaining to any other licensure issue and legally huntable or fishable specie in Idaho under the purview of the IOGLB regulatory board.

Properly, docket 25-0101-1201 authorizes outfitters to offer outfitted and guided activities on private lands. This docket extends only to activities and situations involving private land; as public land regulation is woven into and covered by many other statutes, rules, policies and memoranda of agreement governing the IOGLB function.

This rule docket clearly sets out procedures to regulate commercial outfitting on private land, execute private land leases, assign landowner appreciation tags, designate business agents, operate shared facilities on private land, and operate as a club or group.

Policy and Rule

There has been much talk about policy number 2027-2013 initiated August 13, 2013 and revised September 26, 2013, and now properly before the board for adoption.

Criticism centers on policy being supposedly reserved for issues of an internal or administrative nature of the board such as operating procedure, working hours, sick leave or even overtime. Board policy does cover these administrative areas, but according to the Idaho Supreme Court in Sarco v. state at 138 Idaho 719, policy is an applicable tool for a state agency if such policy is widely construed, is generally uniform and applicable to everyone, guides operations-decisions or processes, operationalizes a legal standard, is agency procedure, or interprets the law. It is Boulder Creek's opinion IOGLB Policy #2027-2013 meets these tests.

In addition to this specific statutory authority with judicial backing, IOGLB has a long precedence of utilizing policy as a regulatory tool possessing the force and effect of law. For example, contained within the IOGLB policy manual are policies governing outfitter license amendments, designated fishing areas and activities, deer and elk tag allocation, and *ironically, a policy declaring a moratorium* on outfitted turkey and waterfowl hunting.

Certainly rule docket 25-0101-1201 dealing with any licensable activity or business arrangements on private land concerning Idaho's wildlife and fisheries are a natural extension of the specific turkey and waterfowl discussions, as private land was the primary focus of the discussion; and we all know private lands are not exclusive to turkeys and duck, but inclusive of other wildlife and fish species throughout Idaho.

Therefore, rule docket 25-0101-1201 clearly articulates what a land owner can and cannot do regarding charging access fees, advertising services, lease lands, assign a landowner appreciation tag, or offer facilities to a guest regardless of the specie being a turkey, a duck, elk or deer before it will be deemed a licensable activity subject to licensure under the outfitting statutes of Idaho.

Moratorium: Working Group, Foundation, Proposed Policy and Rule

Returning to the turkey and waterfowl moratorium policy, numbered 2027, it was adopted June 6, 2009 and has been in full force and effect for approximately 4 years and 4 months. It is noteworthy that opponents of policy #2027-2013 now authorizing and establishing a process for IOGLB to consider amending a outfitter license to allow outfitted turkey hunting, did not testify against nor subsequently complain about the appropriateness of a *"policy"* tool to prohibit outfitted turkey and waterfowl hunting.

The policy #2027-2013 declared the moratorium to be "temporary, and shall only be in place until a complete analysis and evaluation can be conducted by the Board"; it continues, in cooperation with among others Fish and Game, industry representatives and the public at large.

When one reviews the final report and the working group membership that is exactly what took place the past several months. IOGLB initiated and the working group conducted discussions, analysis and evaluation of outfitter activities as it relates to licensed outfitted activities on public and private land relating to all turkey and waterfowl hunting.

There is *procedural significance* contained within the moratorium policy of 2009 worthy of review today because it *set forth* the very procedures that lead to the IOGLB Advisory Workgroup public meetings, issues review, compromise decision, and now the policy and rule in front of us today.

The moratorium policy put into place sets out detailed "Procedures", designated as 5.00, and labeled as "matters" that need consideration… they are:

1. gather and review information and data;
2. facilitate interested representatives to establish positions on services, access, opportunity and restrictions;
3. consider past issues and comments regarding rule and statutes;
4. understand public and need; and
5. reach a final disposition because a temporary moratorium is not an appropriate response.

Each of these five matters have been explored, discussed, negotiated and compromised by the IOGLB advisory working group. The recommendations from the discussions are contained in the work group's report of January 2011 on pages 2-7, and the consensus solution found on page 4.

Very importantly, the contents of the consensus solution reached by the IOGLB Advisory Working Group represents the foundation for the content set forth in policy 2027 and rule docket 25-0101-1201, and is based up on the advisory working group's record.

As a result of each of the matters explored individually and collectively, the IOGLB has formulated turkey outfitting and guiding governing policy and private land and waters guiding and outfitting rules for adoption; and Tim Craig and Matt Craig, licensed owners and operators of Boulder Creek Outfitters, support IOGLB's policy #2027-2013 and rule docket 25-0101-1201.

Policy Detail

The detail of the policy and rule setting forth regulations for turkey and waterfowl outfitting licensure and private land owner operations related to outfitting and guiding are very detailed, specific and enforceable.

For instance, the policy declares where outfitting turkey can take place geographically; it limits the number or tags available to any one licensed outfitter therefore by extension the number of hunters that can be served; it establishes a mathematical formula for deriving shared use, the number of tags allowed per region, creates a process for amending an outfitter license, and entering into private land leases and filing them with the regulatory agency. These substantive details have been identified and settled by the working group.

This detail generically, however, has caused some to wonder if it should therefore be placed into "rule", not policy. Let's explore that for a moment; detail in IOGLB licensable activity regulatory policy is not unique. One needs only to look at the IOGLB elk and deer tag allocation policy that sets out geographic areas, overlapping zones, mathematical factor formulas for computing fractions of big game tags, specific actionable calendar dates and more.

Perhaps a more pointed parallel example of detailed IOGLB policy is #2028-2013 governing Licensing Hazardous Excursions. This policy sets out enforceable detailed parameters for rock climbing, back-country alpine skiing, dog sled rides, fishing lessons, mountain bike riding and more. And because the number and evolving type of hazardous activities that exist, or may yet be invented, policy sets out detailed parameters to review a requested activity and licenses on a case by case basis; just like the turkey outfitting policy mandates licenses for turkey outfitting and guiding will be determined on a case by case basis upon application fo the standards set out in policy 2027-2013 and rule docket 52-0101-2501.

Summary

These decisions are long overdue. For years there has been a gray area surrounding private land and what hunter and anglers and outfitters and non-guided hunters can and can not do with private land, tags, and access to either their own, leased or rented from someone else. This docket clarifies much of the gray area.

Private land by its very nature will have some affect on public accessibility to the extent the landowner decides what to do with their private land. A landowner's options will always be viewed through the lens of their best interests as the owner of the commodity. Why not; we do it with the property our personal homes sit on.

Whether or not a landowner allows trespassing for any hunter, posts it no trespassing for any hunter excluding all access, leases it to a private hunter who then allows only them self and their friends to hunt or fish on it excluding the rest of the hunting public, or perhaps leases it to a licensed outfitter treating the lease as a form of revenue generation for their private farm, ranch or business is instructive.

Regardless of the scenario executed by the landowner, the general public's accessibility is affected because in every instance but one, the general public hunter's access is affected, to the enhancement of some, and to the disenfranchisement of others!

Mr. Chairman, members of the board, the policy and rules promulgation process is sound, their substantive content settled by the advisory working group, and the documents are in the proper venue for consideration and adoption. Boulder Creek Outfitters encourages you to adopt the policy and the rules before, and lets all go hunting on private and public land before the hunting seasons end this year!

Thank you!

Tim Craig
Matt Craig
Boulder Creek Outfitters

Submitted on their behalf by John Watts
November 13, 2013

Jake Howard

From: Bill Poindexter [BPoindexter@bcidaho.com]
Sent: Wednesday, November 13, 2013 9:01 AM
To: Jake Howard
Subject: IOGLB Public Hearing
Attachments: IOGALB hearing notes 11 13 13.docx

Director Howard, I am unable to attend the public hearing today and would like to provide comments that I would like included in the public hearing minutes. Thank you.

1. I believe that the proposed rule should be rejected based on the following:

a. The intent of the negotiated rulemaking process was waterfowl and turkey outfitting. The rule being proposed now covers all outfitted activities.

b. With the rule now covering all outfitted activities many stakeholders were left out of the negotiated rulemaking process.

2. Very concerned and frustrated about how the waterfowl and turkey draft rules were passed in policy.

a. Sportsmen groups participated in this process under the assumption that it applied to waterfowl and turkey and we were going to get our opportunity to have legislative input. We were in a sense "tricked" as portions of the draft rule were cut out and just passed in policy.

b. The passed policy on waterfowl and turkey outfitting and guiding is really a rule that should go through legislative approval.

Thank you.

Bill Poindexter
Idaho Resident since 1967
Avid Waterfowl and Turkey Hunter
Volunteer for Conservation Organizations, including Waterfowl and Turkeys
Since 1980

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Blue Cross of Idaho, 3000 E. Pine Ave, Meridian, ID 83642

Outfitters and Guides Licensing Board
Public testimony on Docket No. 25-0101-1201
Joseph Peterson (Flying B Ranch) November 13, 2013

This rule change/update came about through a long process of looking at private land outfitting including waterfowl and turkey outfitting. Some upland game and waterfowl operations skirted the line of outfitting and a closer look at private land outfitting and guiding was in order. Along the way, a policy to guide the IOGLB decision making for outfitted turkey and waterfowl was produced.

After the informal moratorium starting in 1989 or so, these issues were talked about in numerous venues with no clear plan to proceed one way or another until the moratorium was made official in 2009. At that time a working group was started in an attempt to bring together landowners, sportsmen's groups, and outfitters to find a solution to the concerns of all involved. That 2009 moratorium policy had these goals:

- Procedures and protocol are necessary for IOGLB staff (staff) and other agencies to gather information and data as reviewed in this policy in order for the Board can make reasonable and informed decisions when processing applications or requests for information regarding these activities.
- Procedures and protocol are necessary for industry representatives, the outfitted public and the public at large to determine their positions on the access issues, need for such services, whether license opportunities exist and if so, what the license restrictions might be and to determine application requirements.
- A review of issues or the past comments from the State legislature and a determinate whether legislative intervention is needed or whether new or revised statutes or rules are necessary.
- A commonly recognized understanding of who the "public" is and how to understand "public need" must be determined.
- It is recognized that a moratorium by it nature is not an appropriate response to this matter and as such it is temporarily in place until a final disposition is reached and set a foundation and support for the record as a whole. In this respect, a reasonable timeline must be established to arrive at recommendations to address this matter.

The working group strove with no small measure of passion to come to a consensus on these outlined items, with some success, but not a complete agreement. A lack of complete agreement on a solution did not diminish the fact that while going through the process, all of the items mentioned in the 2009 moratorium policy were addressed very satisfactorily.

The end result of several years of work, study, input and lively debate brought us to where we have policy 2027.1 and the proposed rule we are commenting on. I have problems with both the policy and the rule, but my concerns have been

voiced and written many times during the process and this is where we are. The position I would prefer and think is best has been willingly modified with a spirit of cooperation and compromise in an effort to bring this issue to a solution.

My summary is this; The Idaho Outfitters and Guides Licensing Board has followed a logical, systematic course of action on these issues in line with Idaho Code 36-2101 Declaration of policy- you have worked to promote the use of the outdoor resources for both non-resident and resident recreationalists while protecting the health, safety and welfare of those public recreationalists who choose to hire help in their outdoor pursuits. You have done your job well and I support both the proposed rule and the adopted policy.

** PLEASE INCLUDE IN THE PUBLIC HEARING ON 11/13/13

To: Director Jake Howard & the Board of Directors of IOGLB

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NOV 13 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

From: John Howard

Re: rulemaking for guiding/outfitting waterfowl & turkey hunting in Idaho

Good afternoon, I would like to express my opinion on the guiding/outfitting for waterfowl and turkeys in Idaho. As I have previously mentioned in the past at these meetings, this is a very bad move for the residents of Idaho. I have lived in Idaho for close to 40 years but spent a short amount of time in Colorado that had guided waterfowl and turkey in the state. Public access was virtually denied due to the fact that the outfitters and guides would "lease" land and deny access to the public even though public access had been granted in the past. Many of these outfitters would "lease" the land and not hunt it only to deny access and pressure from outside hunters from using the land. In most cases, the "lease" would block access to public land as the private land may have the only access to the public land via a road, trail, etc. By "lease", I mean to use the land only for hunting – not farming, maintaining or up keep, simply to deny access to the public, plain and simple. In many cases, where there was public access, it was so overcrowded that many people would need to get to the hunting grounds around 1 AM just to hold the blind. There were cases where fights would break out and in all cases these folks have guns/bows and fortunately, no one has been shot yet but that day will come. Do you want that day to come to Idaho?

At all of your offsite meetings throughout the State of Idaho, there was overwhelming support to oppose the outfitting and guiding of waterfowl in Idaho. It appears that the board is looking at this at THEIR best interest and not the residents of Idaho concerns/interest. Even with the different options that were presented there was still support not to have guiding/outfitting for waterfowl and turkey. There are many conservation groups that are also opposed to this INCLUDING the Idaho Department of Fish and Game. If the IDFG is opposed with guiding and outfitting of waterfowl and turkeys and the IOGLB wants to implement this rule, then perhaps there should be an investigation into the board with the possible motion to dismiss board members as they may be looking out for <u>their</u> best interest and not the interest of the majority of residents of Idaho as they are appointed to do. At one of the meetings in Burley it was for the most part determined that IOGLB already had a decision made and that the IOGLB was in Burley to just go through the motions to appease the folks that are against this.

If this goes to the legislature, all public comment, including comment from the meetings that were in obscure towns in Idaho, should be brought to the attention of the legislature to prove that an overwhelmingly majority of people in attendance are against this proposal.

The few should not be able to benefit where the majority will have to pay the sacrifice. This will affect not only hunters, but outdoor enthusiast including bird watchers, hikers, campers, OHV, mountain bikers, fishermen, basically anyone who uses Idaho public lands. The IOGLB should look to Colorado to see how big of a disaster this could be.

As an actual Idaho RESIDENT and LANDOWNER in Idaho, this is a bad decision for Idaho if this goes through, no matter how much the IOGLB tries to paint it to look pretty. I have been there and lived it and we do not want to go down that road.

Thank you for your time,

John Howard

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STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Comments on Docket No. 25-0101-1201

I feel that the Outfitters and Guides Board (OGB) has acted in bad faith when conducting the Negotiated Rule making process for Waterfowl and Turkey guiding. Many interested hunters participated in the public meetings held on this issue. The vast majority expressed strong opposition to this type of guiding. The OGB subsequently chose to ignore the public input and "set aside the rule making" and make this type of guiding a policy instead. This decision was arbitrary and violated the spirit, if not letter of the law, concerning Negotiated Rule making. The OGB letter dated September 9, 2013 states, "the Board concluded that the various interests were speculative in their comments, remained polarized; with all sides fixed in their positions and that a compromise solution was not possible". In my opinion this statement shows that the OGB overstepped and ruled on something that should clearly be decided by the Legislature. It smacks of a spoiled child that didn't get the answer they wanted so they changed the rules to meet their agenda.

On several occasions during the rule making process the OGB was asked to show the need or demand for waterfowl and turkey guiding in Idaho. None was given. Most likely, because none exists. It is patently clear that if this type of guiding will be allowed only to enrich some individuals to the detriment of the hunting public. OGB policy states the guiding is to be conducted for the "health, safety and welfare of the public". Since the vast majority of the public involved in the abandoned rule making process objected to this type of guiding, how can it be allowed in light of OGB stated policy. Welfare is defined by Merriam-Webster as "the state of being happy, healthy or successful". Since OGB is unable to demonstrate a public demanding to be made "happy" by waterfowl and turkey guiding, it is clear they are ignoring the "welfare" of the hunting public in Idaho who strongly object to this type of guiding.

In the abandoned Option C, the OGB compiled a map which clearly showed areas where waterfowl guiding would not be allowed. This was a good map which set definite boundaries. In Option D this map was abandoned and replaced with a chart defining areas where guiding would not be allowed. This change vastly reduced the non-guiding area with no explanation. Why? This chart from Option D demonstrates the OGB lack of understanding of legal definitions and makes me question any of their decisions from a legal standpoint. Here is the reason why. On lakes and reservoirs limits are based on the "mean high water mark". This is correct since this type of water body can be measured based on an elevation set from a "Mean Sea Level (MSL)"elevation. However, since rivers and streams run downhill, MSL can't be used since the MSL elevation of a moving body of water is constantly moving as well. The correct term to use on moving bodies of water is "ordinary high water level *". The ordinary high water level is determined by a vegetation change on the bank. Making such an error in legal definitions is unacceptable since it leaves the on the ground decision as to where the ordinary high water mark is up to interpretation. The map provided in Option C sets clear boundaries and should be used in any final document.

Since there is no demonstrated need and the hunting public of Idaho strongly objects, and based on the above, I ask that the moratorium on waterfowl and turkey guiding be made permanent.

* Mark Smirnor, BLM Land Survey, Boise, ID

Todd A. Fenzl, 10054 Lake Shore Drive, Nampa, ID 83686 208-412-4447

B.S. – UW, Wildlife Management, U.S. Fish & Wildlife Service 1977 – 2010, waterfowl refuge management and law enforcement

cc. Sen. Patti Anne Lodge, Rep. Christy Perry

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STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

November 8, 2013

To: Jake Howard
Executive Director
Idaho Outfitters and Guides Liscencing Board

From: Chris Loomis DMD
Treasurer
Idaho Waterfowl Association

I am writing, once again, to express my disappointment with the evolution of this discussion on changing long standing policies with regards to outfitting for waterfowl and turkey. It would appear that, as has happened in the past, the board has decided to push forward with placating land owners and outfitters at the expense of the non-outfitted public. You had initiated negotiated rule making which would at least allow the public to have a voice through their legislators.. Now you are abandoning that process, leaving the public with only this avenue of reproach, which you will likely ignore. I can only assume that this is driven by laziness or contempt for non-outfitted sportsman.

The board has as parts of its mandate, a duty to not interfere with the non-outfitted public. Everything you propose that allows guiding to proceed interferes with that group of sportsman. You would propose that by allowing outfitting on private land, land currently unavailable to the public would be accessible (for a fee of course). To my knowledge there has been no large outcry from the non-outfitted public for this to occur (perhaps if we performed the survey of sportsmen that the IOGLB and IDFG have been hesitant to do). So, whom does this benefit. It benefits landowners (such as members of the IOGLB), outfitters, and non-resident sportsman. To claim that it benefits non-outfitted sportsmen as well is insulting. You are creating an environment in which to engage in certain hunting sports we will have to become your clients. This seems like very much like Obamacare. Create an environment whereby you force people to utilize the services you provide, or alternatively give up on the sport.

I feel that there is a conflict of interest that exists within the board. As I see it the IOGLB is primarily composed of landowners or outfitters (or both). So there is a great degree of self promotion occurring, and very little concern for the non-outfitted public. Mr. Howard expressed to me over the phone, some time back, the concerns over private property rights. During that conversation he told me about some acreage he owned and that he wouldn't allow anyone to tell him what to do with the land. But I thought that was a regulatory responsibility that the IOGLB held. They regulate the activity and in conjunction with IDFG the public resources being utilized. If the attitude of the IOGLB is "damn the government", then perhaps it needs to be occupied by different people. Even the person within the IOGLB that is supposed to represent the public interests, Mr. Hunsaker, expressed his disdain for the non-outfitted sportsmen and their representatives, when at a steering committee, we were informed to "get out of the way."

I doubt that any input provided by the non-outfitted public, whether though the IWA, NWTF, ISCAC, or the public meetings, will influence you in any fashion. You are beholding the Mike Lawson's of the world. To you it is far more important that we provide more opportunity for their fat cat rich clients, than broaden opportunity for the everyday, ordinary non-outfitted sportsmen,.that make up that vast majority of hunters in this state.

Sincerely,

Chris Loomis DMD

15400 Reminscene Dr.
Caldwell, ID 83607
208-45-6443
loomdent@aol.com

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STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board

Written comment re:

Rule published under docket 25-0101-1201 in the October 2, 2013 Idaho Administrative bulletin, Vol. 13-10, pages 357 through 359.

I received the information that you sent me stating that you have scheduled a public hearing on Wednesday, November 13, 2013. The notice says that written comments will be considered but MUST be received by October 23. Unfortunately my notice was post marked October 24, already too late to be considered. I have talked to others with the same issue but decided to send this opinion anyway, many may not.

The decision to allow guided waterfowl and turkey hunting affects the majority of the public negatively and puts even more pressure on public hunting areas. It benefits a chosen few, some of which are members of the board and most of the people that belong to your organization. This is much too important of an issue to leave to a board that answers to the people that will benefit if it is allowed. I strongly urge this issue go to the legislature for review; the public will at least have a voice/vote.

1. Because notice has been sent to late for written comment I request that the board cancel the scheduled public hearing as the public will not have a fair chance to comment.

2. Because the board and its members, a few professional hunters, and a few landowners are benefitting financially from the decision to allow guided turkey and waterfowl hunting I request that the whole matter be referred to the State Legislature for review.

Blaine Hyde

Blaine Hyde

IOGA
Idaho Outfitters & Guides Association
www.ioga.org

October 23, 2013

Jake Howard, Executive Director
Idaho Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

RE: Idaho Outfitters and Guides Association Comments on Docket No. 25-0101-1201—Proposed Rule

The IOGA commends the IOGLB with clarifying the existing rules to address the concern of loss of hunting access due to the proliferation of organizations and clubs during the past half century, some of whom have operated essentially as outfitters perhaps due to the ambiguity in existing rules. Those clubs who wish to provide services associated with outfitting and guiding will now need to be licensed. This is as it should be.

The proposed rule recognizes a land owner's right to control use of their lands as it relates to outfitted use when facilities and services are provided by the landowner or by someone authorized by the land owner to do so.

Since there was little to no consensus on major issues associated with outfitted waterfowl and turkey hunting during the past three years of user group facilitated meetings as well as through the recent various iterations of options offered by the IOGLB, the agency is right to leave the details on future opportunities for outfitted waterfowl and turkey hunting in the form of Policy Number 2027.1-2013. This policy states that "Outfitted turkey and waterfowl hunting on private lands or waters will be accepted on a case by case basis". The policy also states in O2.ii that "areas (for waterfowl hunting) will be reviewed for inclusion and EXCLUSION (emphasis added) on the list (02.i) as needed by the Board with input from the Idaho Department of Fish and Game.

The IOGLB is right to include provisions in Policy 2027 regarding both existing outfitters for waterfowl and turkey outfitting. It has always been important to the industry that existing outfitters may be given priority to fill limited license opportunities. In the same breath, the IOGLB should remain open to new opportunities for these activities as there can be new ideas that can and will meet muster for licensing of these activities, especially given the fact that many Idahoans now take their outdoor recreation dollars out-of-state for these two activities. It would enhance hunting opportunity as well as the Idaho economy if Idaho could retain more of these displaced hunters in the future.

Thank you for the opportunity to comment.

Grant Simonds

Grant Simonds
Idaho Outfitters and Guides Association
Government Affairs Liaison
P.O. Box 95
Boise, ID 83701

3157 W 12 Blvd
Emmett Id
83617
October 3, 2013

RECEIVED
OCT 16 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Debi Lonland

3197 West Id Blvd
Emmett Id
83617

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OCT 16 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Larry Lombard

JOHN WOOD
7501 SETTERS AVE
BOISE, ID 83704
October 3, 2013

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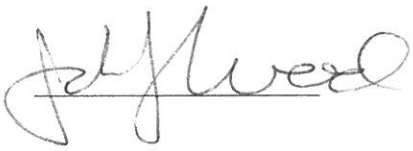
OCT 16 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,



October 15, 2013

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STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard

Executive Director

Outfitters and Guides Licensing Board

1365 North Orchard, Suite 172

Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Louis H. Griffin
245 Tautphaus Dr.
Idaho Falls, Idaho 83402

10/15/2013

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OCT 15 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Roger D. Erb
6572 W. Wintergard St
Boise, ID 83714

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

R. D. Erb

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OCT 15 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Chris Huck
8333 Duncan Lane
Boise, Idaho 83714
October 12, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing concerning Outfitting for waterfowl and turkey hunting in the State of Idaho.

Sincerely,

Chris Huck

IDAHO POWER®
An IDACORP Company

To:
Company:
Fax: 2083277382
Voice:

From: **Idaho Power Company**
Voice: (208) 388 2200

Date: 10/14/2013 4:04 PM
Pages: 1 of 2 (including this page)

Re: **Attached Image**
==========

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OCT 11 2013

STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Tony Hafla
2699 W. Meadowlark
Idaho Falls, ID 83402

October 9, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Tony Hafla
President – Idaho Chapter of SCI

RECEIVED
OCT 11 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

John Howard
3186 Highlawn Drive
Twin Falls, Idaho 83301
October 11, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Chris Loomis DMD
15400 Reminiscene Dr.
Caldwell, ID 83607
October 11, 2013

RECEIVED
OCT 11 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

DMD

Chris Loomis DMD

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OCT 11 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

COVER LETTER

TO: JAKE HOWARD
Executive Director
IOGLB
1365 N. Orchard, Ste 172
Boise ID 83706
FAX: 208-317-7382

FROM: Chris Loomis D.M.D
15400 Reminiscence Dr.
Caldwell, ID 83607
Ph: 503-819-6965

Total pages: 2

IOGLB_letter_pdf.pdf

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Pat Cudmore

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OCT 09 2013

STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Pat Cudmore

John Warford
20 Poor Farm Rd
Grangeville, ID 83530

October 3, 2013

RECEIVED
OCT 09 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

John

John Warford

SRM Performance Products *A Division of Snake River Machine, Inc.*
Makers of the *Sure Cycle* ® High Performance Action Cycling Systems

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OCT 07 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

October 3, 2013

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing so the opinions of Idaho sportsmen may be heard.

Sincerely,

Jeffrey Hajjar
President

4375-A West McMillan Rd. Meridian, ID 83646 • 208-887-9395 • www.surecycle.com

SRM Performance Products *A Division of Snake River Machine, Inc.*
Makers of the *Sure Cycle* ® High Performance Action Cycling Systems

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OCT 04 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

October 3, 2013

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing so the opinions of Idaho sportsmen may be heard.

Sincerely,

Jeffrey Hajjar
President

4375-A West McMillan Rd. Meridian, ID 83646 • 208-887-9395 • www.surecycle.com

Craig Baltzer **12343 Moss Lane, Nampa, ID 83651**

RECEIVED
OCT 07 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

October 4, 2013

Mr. Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, Idaho 83706

Re: Docket No. 25-0101-1201

Dear Mr. Howard,

I am very concerned about rights of the average water fowler.

Of course I am writing in response to the proposed rule Docket No 25-0101-1201. I am requesting a public hearing on this matter.

The Public is being duped in regarding the intent of the original negotiated rule making process.. I am confused on why this issue continues to come up when the majority have spoken several times over.

The process has continually ignored what the majority of the public wants. Now it appears that there are changes being pushed through that were never discussed in public meetings.

I do not agree with this ram-rodding program to push policy through. The public has a right to a public hearing and I for one am demanding it.

With best intentions,

Craig Baltzer
208-573-8038

Bryce Cook
1112 E. Locust Lane
Nampa, ID 83686

RECEIVED
OCT 07 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Director Howard:

I am writing to request a public hearing on the negotiated rulemaking proposed rule Docket No. 25-0101-1201. Please inform me of the hearing date when scheduled.

Respectively,

Bryce Cook
208-899-1867
dukkhnter@gmail.com

Mark K Bell
3524 Tayten Drive
Nampa, Idaho 83686
October 5, 2013

RECEIVED
OCT 07 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Mark

Mark K. Bell

1048 N. Woodstream Pl.
Eagle, ID 83616
Oct. 4, 2013

Jake Howard, Executive Director
Idaho Outfitters + Guides Licensing Board
1365 N. Orchard, Suite 172
Boise, ID 83706

RECEIVED
OCT 8 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket 25-0101-1201 I would like to request a public hearing. I do not appreciate IOGLB's decision to move forward on the issue of waterfowl and turkey outfitting outside of the negotiated rule-making process, and would much prefer to have public input solicited and seriously considered in this process.

Sincerely,

Mark D. Collinge

George Valentine 2354 So Ice Bear Way, Meridian, ID (208) 841-2839

October 4, 2013

RECEIVED
OCT 8 7 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Mr. Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, Idaho 83706

Re: Docket No. 25-0101-1201

Dear Mr. Howard,

I am writing in response to the proposed rule Docket No 25-0101-1201. I am requesting a public hearing on this matter.

You have miss lead the public regarding the intent of the original negotiated rule making process. You have changed the guidelines over and over from what was discussed and proposed by the original plan. At public meetings you stopped the interaction between the public and the committee, by not answering questions. I attended several of those meeting and every time the majority opposed the entire Waterfowl and Turkey Guiding on Private Land, yet you continue to make rules that have been objected to over and over.

The process has continually ignored what the majority of the public wants. Now you are trying to slip passed everyone more changes that were never discussed or proposed at any of the public meetings.

I am appalled at the process and how you are treating the sportsmen of Idaho. The public has a right to a public hearing and we are requesting that.

Sincerely,

George Valentine
208-841-2839

Paul Spurling
606 W Easy St
Caldwell ID 83605

October 3, 2013

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OCT 0 7 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Paul Spurling

Paul Spurling

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OCT 08 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Dwayne Speegle
239 W. Cobblestone Ct.
Eagle, Idaho 83616

October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Dwayne Speegle

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OCT 08 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Harold Denney
3265 Market Rd.
Homedale Id. 83628
October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

"[Your Name]"

RECEIVED

OCT 08 2013

STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

ADA COUNTY
FISH & GAME LEAGUE
Idaho Sportsmen's Caucus Advisory Council Member
PO Box 505 Cascade, Idaho 83611

October 5, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1385 North Orchard, Suite 172
Boise, Idaho 83706

RE: Public hearing request on Docket No. 25-0101-1201

Dear Director Howard:

We have been informed that IOGLB recently acted to change the process/direction of setting rules for allowing waterfowl and turkey outfitting outside the negotiated rulemaking process. As we have been participating in this rule making process in good faith and with the assumption that sportsmen were to be offered an opportunity for further input under the 2014 legislation process , we are therefore requesting a public hearing on the IOGLB action under the referenced document.

Sincerely,

Robert Minter

Robert Minter
President
208-382-0010

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OCT 08 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Rob Brazie
5 Sunburst Road
Horseshoe Bend Idaho 83629

October 5, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Rob Brazie

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OCT 07 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Donald Giddings
4425 Frozen Dog Rd
Emmett, ID 83617
October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Donald Giddings

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OCT 07 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

William F Mullen
11878 W Streamview Dr
Star, Idaho
October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

William F Mullen

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OCT 07 2013

STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Robert Moore
12625 W. Hidden Valley Dr.
Boise Idaho, 83709
October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Robert Moore

William Cafferty
2123 S. Eagleson
Boise, ID 83705

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STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

William Cafferty

Jay Stark
9516 Dorsetshire Pl.
Boise, ID. 83704

October 3, 2013

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OCT 07 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

jltrstark@msn.com
208-866-3613

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OCT 07 2013

STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Blaine Hyde
1513 W. Salesyard Rd
Emmett, Id. 83617

October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Blaine Hyde

BRENT Hyde
1273 W 12th
Emmett, Idaho 83617
October 3, 2013

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STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Brent Hyde

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OCT 07 2013

STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Dennis L. Radocha
16595 Horseshoe Bend Road
Boise, ID 83714

October 7, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Dennis L. Radocha

Teresa Sauceda

From: Jake Howard
Sent: Friday, October 04, 2013 8:40 AM
To: Lori K. Thomason; Teresa Sauceda
Subject: Fwd: Letter requesting a Public Hearing
Attachments: IOGLB_letter rm final 10-4-13.pdf

Put this with the rule file as per our discussion.

Jake Howard

Sent via the Samsung Galaxy S™ II Skyrocket.

-------- Original message --------
Subject: Letter requesting a Public Hearing
From: Rick Martin <rickgrizzlymartin@gmail.com>
To: Jake Howard <Jake.Howard@oglb.idaho.gov>
CC: Rick Martin <rickgrizzlymartin@gmail.com>

Good morning Mr. Howard. This is Rick Martin from Shelley, Idaho. I have attached a letter requesting a formal series of public hearings across the State of Idaho to address the proposed actions which the OGLB has proposed to take response to the proposed rule Docket No. 25-0101-1201, thus abandoning the efforts of many Idaho citizens that have tried to address and give valid input and comment to the actions as proposed around guiding and outfiting of waterfowl and turkey in Idaho. Please accept the attached letter as my formal request for that public hearing.

Sincerely
Rick Martin
Shelley, Idaho

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OCT 04 2013

STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

October 4, 2013

Dear Executive Director Howard:

I am Rick Martin from Shelley, Idaho and I am writing to you in response to the proposed rule Docket No. 25-0101-1201. I am very surprised and shocked at how the OGLB has treated this proposed action at your recent board meeting. Especially since the sportsmen and private land owners in Idaho have vested so much time and effort to try and work with the Board in so many ways over the past 4-5 years.

I consider what you and the board to have done to be nothing but purely being chicken's so to speak and to deal with the issue upfront and with integrity as a public agency supposedly representing and working for the public of Idaho. In my own mind, you have pulled the wool over a great many of Idaho's public by doing what the Board has done, and I for one feel that you and the board need to hold not only one, but a series of public meetings across the State to try and explain why you have chosen not to follow the procedures you started with and vacated them only to use your own methods thus excluding the sportsmen and women, and others, from any decision making process.

Your attempt to circumvent the proper system to really address this issue in my book is nothing less than making a decision to do something but to get your way only since you couldn't get it from the public, whether or not it was from the sportsmen's groups or from the private land owners of Idaho.

With this being said, and trying to hold control of my temper here on what you and the board have done, I respectfully request that you hold not only one but a series of public meetings across the state of Idaho to fully discuss this matter and to try and explain why and what you and the Board actually feel is the reason to go beyond what was on its way to a full disclosure to not only to the public of Idaho, but also the Legislative body of Idaho that represents all of us.

Please consider this my formal request for that public hearing(s) across the State.

Sincerely,

Richard Martin

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OCT 04 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Vance Henry
P.O. Box 10/201 East King Road
Kuna, Idaho 83634
October 4, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I have reviewed the minutes of the last board meeting and I am writing in response to the proposed rule Docket No. 25-0101-1201. I want to request a public hearing.

Sincerely,

Vance Henry

TODD FENZL
10054 LAKE SHORE DR.
NAMPA, ID 83686

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OCT 04 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Todd A. Fenzl

tfenzl23@gmail.com

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OCT 04 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Paul Waldon
9452 Knottingham Drive
Boise, ID 83704
October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Paul Waldon

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OCT 04 2013
STATE OF IDAHO
OUTFITTERS & GUIDES BOARD

Jake Gorbet
22 River Bluff Ln
Horseshoe Bend Id,
October 3, 2013

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706

Dear Executive Director Howard:

I am writing in response to the proposed rule Docket No. 25-0101-1201. I would like to request a public hearing.

Sincerely,

Jake Gorbet

Teresa Sauceda

From: George Valentine <gvalentine@idahowaterfowl.org>
Sent: Tuesday, September 17, 2013 4:49 PM
To: The Idaho Outfitters & Guides Licensing Board
Subject: re: FW: Board Reaches Decision on Negotiated Rule Making

What a joke! I do not understand how you can move forward with this when there is overwhelming negative support about the issue.

You have completely ignored what the public is saying. This is not about private land issues. A private landowner cannot do what ever he wants with his property. Example. It is illegal to grow POT on private land. The landowner is not allowed to do that because it is illegal to do so.

Guiding in Idaho can be made illegal and then the landowner would not be able to do it.

The fight is not over. Perhaps legal action needs to be brought against IOGLB to stop his. I truly believe that Jake Howard is being paid under the table and he has some sort of monetary gain coming from this. It will come out sooner or later.

I look forward to your response.

George Valentine

From: "The Idaho Outfitters & Guides Licensing Board" <idahooutfitters&guideslicensingboard@oglb.idaho.gov>
Sent: Monday, September 09, 2013 11:25 AM
To:
Subject: FW: Board Reaches Decision on Negotiated Rule Making

Board Reaches Decision on Negotiated Rule Making

September 9, 2013

At its August meeting, the Outfitters and Guides License Board concluded a negotiated rule making process which initially came about as the result of a need to address a long standing moratorium prohibiting new applications for outfitted turkey or waterfowl hunting.

The negotiated rule making conducted by the Board included six public hearings throughout the state. This was done after an earlier "Working Group" process which included representatives of various stakeholders. Additionally, several surveys were conducted and examined by the Board.*

At the beginning of the "Working Group" meetings and throughout this process, the Board has pointed out that it has had the statutory authority to license outfitters for turkey and waterfowl hunting since its formation years ago. The Board also has pointed out the self-imposed "moratorium" was informal and may not withstand a legal challenge and that the law requires that it must possess a reasonable basis in law and fact to deny or limit an application.

After considering various versions of a draft rule that had been disseminated over the last 18 months and the written comments and the testimony at hearings that came as a result, the Board ultimately decided to set aside the rule making for outfitted turkey and waterfowl hunting.

In making the decision to abandon the rulemaking on the turkey and waterfowl issue, the Board concluded that the various interests were speculative in their comments, remained polarized; with all sides fixed in their positions and that a compromise solution was not possible. Some comments went so far as to challenge the Board's authority and its decision to address this long standing moratorium.

With this in mind, the Board has decided to exercise its statutory responsibilities, and in doing so, will begin accepting and processing applications for outfitted turkey and waterfowl hunting on a case by case basis like it does other outfitted hunting activities. In doing so, the Board will use information garnered during this process as policy along with other existing requirements when licensing and setting limitations. A copy of this Board policy will be posted on the Board's website at http://oglb.idaho.gov/rules/promulgations.html on Oct 2, 2013 along with the record of the negotiated rule making and the working group effort.

During the negotiated rulemaking process, concerns surfaced over individuals, membership groups, clubs and organizations that provide or attempt to provide outfitted facilities and services without meeting outfitter license requirements and related limitations. The Board has concluded that clarification of these issues is important to many of the sportsmen involved, to the outfitting industry and to licensed outfitters. Consequently, the proposed rule would address these matters and clarify when the individual persons who are simply sharing costs are exempt from licensure.

One fundamental matter, greatly influencing its decision during this process that was emphasized by State Leaders is that state regulatory agencies must consistently recognize a land owner's right to control use of their lands. This control could include a private landowner's decision to allow or not allow access to their lands, for outfitting or other commercial purposes or for public use of any kind.

With the growing interest in outfitting on private land, and private landowners' practice of charging "trespass fees" and related matters such as IDFG's administration of Land Owner appreciation tags, the Board also concluded that there is a need to establish this rule in order to clarify a land owner's responsibilities when it comes to licensure as well as those of an existing outfitter when it comes to being licensed to operate on private land. The proposed rule captures the Board's historical practices and the comments received during the negotiated rule making process. The Board believes this rule will be a benefit to all interested parties.

The Board decided to move these two matters forward in a formal rule making beginning October 2 in order to bring them to the 2014 legislature for consideration as explained below.

The proposed rule addressing the issues relating to individuals, membership groups, clubs and organizations and those addressing outfitting on private lands will be published in the October 2, 2013 Administrative Bulletin with the comment period closing October 23, 2013. After publication of the proposed rule in the Administrative Bulletin, the Board would consider comments submitted in writing or made in a public hearing which will be conducted if and as required. After the close of the comment period, the Board must then adopt a pending rule by November 29, 2013 and publish a Notice of Adoption of Pending Rule in the Bulletin. The pending rule will either be adopted and published as originally proposed or there may be additional changes made to the pending rule based on additional comments received during the comment period of the proposed rulemaking. Additional changes will be explained in the Notice of Adoption of

Pending rule, if needed, that will be published by the Office of the Administrative Rules Coordinator in their January 1, 2014 Administrative Bulletin. It is that version that goes before the Legislature for final approval.

** The "Working Group" comprised of 3 members representing various sportsmen organizations, 3 members representing the outfitting industry and 3 members representing private land owner interests met six times between April and December 2010. A final report is posted on the Board's website. The surveys include: One of Other State's Practices for outfitter Turkey and Waterfowl Hunting completed April 2012 and one of Idaho Private Land Owners completed March 2012. Both are posted on the Board website at http://oglb.idaho.gov/rules/promulgations.html.*