

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

**MINUTES
JUNE 24 -26, 2002**

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

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:35 AM, MONDAY, JUNE 24, 2002 IN THE BOARDROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. BOARD CHAIRMAN WAYNE HUNSUCKER, VICE CHAIRMAN SCOTT FARR AND MEMBERS RAY LYON, BILL BERNT, AND WILL JUDGE WERE IN ATTENDANCE. ALSO PRESENT EXECUTIVE DIRECTOR JAKE HOWARD.

Review of Agenda: Director Howard reviewed the Agenda with the Board and asked for last minute changes or recommendations.

April Board Minutes - Director Howard provided a draft copy of the April Board minutes for review and approval. Scott Farr asked that his motion regarding the John R. Jones - Show Cause Hearing be clarified. It shall now read: MSC (Farr/Judge) DUE TO INSUFFICIENT EVIDENCE THAT A VIOLATION OCCURRED NO FORMAL ACTION WILL BE TAKEN. . . RATHER THAN: MSC (Farr/Judge) THE BOARD FINDS THAT A VIOLATION HAS NOT OCCURRED. . . Will Judge who initially seconded the motion agreed to the change. MSC (Judge/Farr) – TO APPROVE THE BOARD MINUTES FROM THE APRIL MEETING.

Financial Report - Director Howard presented the May financial report. He stated that it appears that the FY 2001-02 will close out with only several thousand dollars uncommitted. Funds would need to be transferred to cover shortages in operating due to unanticipated legal and contract labor costs. Director Howard indicated that transferring funds during annual closeout was standard procedure and was to be expected. MSC (Judge/Bernt) – TO APPROVE FINANCIAL REPORT AS PRESENTED.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon-Judge) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:00 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) AT 9:15 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Chairman Hunsucker excused himself to attend to a private business matter at 9:15 with the intent of returning. Vice Chairman Scott Farr took over.

Directors Report: General Report: Director Howard told the Board that his first two months as Director have very busy. He noted that he was learning the system and at the same time dealing with what appears to be some issues related to operations, primarily

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backlogs in licensing and in processing new outfitter applications and outfitter amendments. He said that preparing to facilitate the Turkey Public Forum and the Bear and Cougar meetings that were held in June took a significant amount of his time during a very busy licensing period. He plans to avoid dedicating his time to such ambitious projects during the period of April 1 to July 15 next year when licensing is in full swing. He said that he has had an opportunity to meet a number of people and has thoroughly enjoyed the new position and working with the Outfitting Industry and the Board. He said that he will recommend some changes that will improve and streamline licensing processes and consequently provide better service to the industry. He is interested in spending more time working with the Outfitters to address some of the issues confronting them. **Allocation** - Leanne Reincke was asked to provide a status update: **General Allocation** on schedule for this time of year. Leann reported that she was out on medical leave for the past month and that Board member Ray Lyon and staff person Kim Walleth had been taking care of the allocation process. She stated that she wanted the Board to know that she appreciated their help. She reported that she was working with IDFG to record all used and unused vouchers since the June 1st expiration. The current total amount of available vouchers in each zone is as follows.

➤ Lolo	104
➤ Selway B	60
➤ Middle Fork A	87
➤ Middle Fork B	160
➤ Dworshak	0
➤ Elk City	13

She had started the process of re-issuing vouchers to the outfitters on the waiting list. This will be complete on August 1st, and then she will start the 2002 recap. She informed the Board that many outfitters were having a hard time understanding the recap form on the IOGLB website and that she will be working to improve that form. In doing this she will consider concerns, suggestions and complaints from outfitters. Copies of current spreadsheets on each zone and totals from IDFG were given to the Board for their review. **Allocation Manual** - Discussion on putting together a new allocation guideline manual with IOGA, IDFG and IOGLB is on track. The intent is to provide a document to explain the process, timelines and important dates to watch for as well as a historical perspective on the Allocation process. The intent is to have a draft copy to the Board at their August meeting. **Controlled Hunt Allocation** is also right on schedule. The deadline for hunters to get their names into the lottery system was May 31. F&G just finished the lottery process and will get a list of successful hunters to her so that she can notify the outfitters and hunters. **New Opportunities** - Director Howard reported that outfitter selection for vacated area 66A and new outfitting opportunities on the Lewis and Clark Trail in the Salmon/Challis National Forest will be conducted during the August Board meeting. Applications for 66A had recently closed and the Salmon/Challis National Forest will make the prospectus for the Lewis and Clark Trail available in July. He noted that a presentation was scheduled later in the Board meeting. **2003/04 – Budget** Director

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Howard indicated that he had started on the 2003/04 budget and that the first draft must be submitted to DFM before the August Board meeting. He said that he plans to request a conference call meeting in July to discuss the budget with the Board. **License status** - Director Howard reported that as of 6/22/02, 371 Outfitters, 270 Designated Agents and 1126 Guides had been licensed compared to 373 Outfitters, 266 Designated Agents and 1219 Guides last year. He stated that the licensing process was backlogged due primarily to the number of “pull forward” requests that had been received. He said that 155 pull forward request had been made since May 14. He had declared a moratorium on pull forwards effective June 19 for one week to allow staff to get caught up. He said that he had some recommendation that he would present later in the board meeting to address what was an apparent problem recurring annually. **New Participants** - The Director reported that there were 10 new outfitters, 8 new designated agents and 86 new guides thus far in this year’s licensing process. **Expired Licenses** - He reported that 27 Outfitters had not renewed their licenses as of June 21 and that a certified letter would be sent to them notifying them that their license would expire June 30 and that they would lose them if they were not renewed. He said that he was a little late in getting the notification letter out so he extended renewal date for two weeks to allow delinquent applicants time to renew. **Probationary Licenses** - He said that 17 probationary licenses had been issued and provided the board a list of those licensees. **Non-Use Requests** – Director Howard reported that he had recently discovered non-use requests from Blair Calaway, Pineland Outfitters - Richard Fogal, and Monumental Outfitters - Jerry Jeppson. He will be processing the requests in the next few weeks.

Attorney Report: Steve Scanlin, Administrative Counsel - Reported on legal activities since the last Board meeting including reviewing the Nez Perce Tribal outfitting and guiding code, reviewing public records requests, waiver of notice in the Kimball hearing and the status of legislative proposals. Mr. Scanlin also discussed renewal of his contract. The prosecution/enforcement contract and the general administrative contracts will be split this year, however Mr. Scanlin will continue to provide the services of reviewing the prosecution/enforcement billings.

Enforcement Report – Mike Best, Education/Law Enforcement Supervisor: Mr. Best updated the Board on the status of current activities, which includes 63 cases under investigation at this time and 10 cases under review by Board Attorney Steve Tobiason.

Paul Kukla handled the duties of Enforcement Supervisor while Mr. Best was on extended sick leave. Mr. Best reported that Investigator Paul Kukla had relocated to St. Michael, Minnesota. He will be retained as an investigator to assist in covert operations and interviews in the mid-west states.

Mr. Best attended the 2002 Annual Outfitter/Agency Meeting sponsored by the Panhandle Chapter, IOGA on May 2, 2002. Mr. Best and the Executive Director attended a USFS Training Class in McCall, Idaho on May 31, 2002 where they answered questions and handed out IOGLB books and pamphlets.

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Chairman Hunsucker returned to the board meeting at 10:30 AM.

Work Session – New Application and Amendments Process - Director Howard, Board Staff, Leann Reincke and Kim Walleit discussed the new applications and the amendments and provided a new database that had been developed to manage them. From this database reports would be provided to the Board. Director Howard pointed out that a sizable backlog has developed due to the inexperience of staff and previous decision on part of the Board and he requested the Board's direction on those matters. The Board reminded staff to update the policy handbook relative to the application and amendment processes as they change. As the result of the board's direction coming during the course of the discussion, Director Howard indicated that he felt comfortable moving forward with several pending matters and that he would have an updated report at the August Board meeting. Also, he felt that a couple of these matters could be ready for the Board's consideration in August.

Recessed for lunch @ 12:00 noon. Reconvened @ 1:30 with all members present. Also present were Executive Director Jake Howard and Board Counsel Steve Scanlin.

Idaho Fish and Game Director, Steve Huffaker – Mr. Huffaker discussed the Access Idaho program that IDFG is pursuing to help provide public access to private property. He noted the program's name might be changed to Access Yes. It is a bid program where private landowners would provide access to their private property for hunting and fishing. Public access would be at the discretion of the landowner as described in a bid. Committee comprised of IDFG and sportsman will decide who is selected.

The Board suggested that a Memorandum of Understanding be developed between the Board and IDFG relative to land management issues surrounding outfitter applications, regarding the Board management of the allocation process and regarding enforcement matters. There was general agreement between the Board and Mr. Huffaker that the MOU would be useful. Director Howard suggested that he contact Director Huffaker to further consider the steps to develop the MOU.

Licensing Improvement – Director Howard presented recommendations regarding a plan to improve the licensing process. Board action was not required however the Board provided some recommendations that will be included in the plan. They endorsed the plan and asked Director Howard to move forward with it and to provide a report at the August Board meeting.

Executive Session: *In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Judge-Lyon) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 3:30 PM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) AT 5:40 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.*

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Meeting recessed at 6:10 PM and reconvened at 8:30 AM, Tuesday, June 25, 2002 with all members present. Also present were Executive Director Jake Howard and Board Counsel Steve Scanlin.

Executive Session: *In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Judge-Lyon) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 8:30 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) AT 11:00 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.*

MSC (Judge-Lyon) TO HAVE STAFF PROVIDE SPECIFIC PROCEDURAL RECOMMENDATIONS AT AUGUST BOARD MEETING RELATIVE TO IMPROVEMENTS IN THE INVESTIGATION AND HEARING PROCESSES.

Recessed for lunch @ 12:00 noon. Reconvened @ 1:00 with all members present. Also present were Executive Director Jake Howard and Board Counsel Steve Scanlin.

Lewis and Clark Land Based Opportunity - Recreation Planner, Norma Staff with the Salmon/Challis National Forest presented a draft prospectus on a new outfitting opportunity for provide interpretive tours of the historic Lewis and Clark Trail. The intent is that the Board would consider outfitter applications to fill this new opportunity at their August Board meeting. Mr. Judge suggested that the selection process mirror the selection processes used by the Clearwater National Forest to select outfitters to fill new interpretive tour opportunities for sections of the Lewis and Clark Trail managed by the Clearwater National Forest. Ms. Staff indicated that she would contact the Clearwater National Forest and would work with Leann Reincke in preparing for the August Board meeting. Director Howard indicated that he hoped to visit the section of the Lewis and Clark Trail with Ms. Staff on June 12.

Kyle Kimball, Outfitter License - Denial Hearing - Commenced @ 2:00 PM, Outfitter Applicant Kyle Kimball had requested to appear before the Board related to an administrative denial of his license based on alleged violations of the Idaho Outfitter and Guides Act, Section 36-2113. 1. *“For supplying false information or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter”* and for two violations of the Idaho Fish and Game Regulations for which he had been convicted. Mike Best, represented the Board, Mr. Kimball represented himself. MSC (Lyon/Bernt) MR. KIMBALL’S APPLICATION FOR OUTFITTING LICENSE BE DENIED FOR THE FOLLOWING: 1. APPELLANT SUPPLIED FALSE INFORMATION BY STATING THAT HE HAD NOT RECEIVED ANY CONVICTIONS. 2. EVIDENCE AND TESTIMONY BY THE APPELLANT CONFIRMED CONVICTIONS OF FISH AND GAME VIOLATIONS FOR HUNTING AFTER THE DAILY CLOSING TIME AND HUNTING WITHOUT A PROPER PLUG IN HIS SHOTGUN IN 1998. MR. KIMBALL CAN REAPPLY IN 2003.

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Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon-Judge) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 3:30 PM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) AT 4:30 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Outfitter Requested Audience with Board - Darl Allred - Darl Allred stated that he requested the Audience with the Board to formally request a review of the facts and supply the Board with new information regarding a complaint that he had filed earlier and which the staff had considered and determined no action was necessary. Mr. Allred indicated that he was concerned with the Board's involvement and interest in the disposition of the complaint. Mr. Allred indicated that he felt the OGLB rules were not appropriately defined and followed. Chairman Hunsucker asked Mr. Allred to prepare a letter explaining his concerns and asked Director Howard to assist Mr. Allred in meeting with Board Prosecuting Attorney Steve Tobiason.

Meeting recessed at 5:40 PM and reconvened at 7:30 AM, Wednesday, June 26, 2002 with all members present. Also present were Executive Director Jake Howard and Board Counsel Steve Scanlin.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon-Judge) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 7:30 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) AT 9:30 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Bear and Cougar Meeting Discussion - Director Howard presented the minutes from a meeting that he had facilitated and that the Board had attended in Orofino on June 12. The meeting was held to determine what might be necessary to improve Bear and Lion Harvest in designated test area 10 and 12. This is part of an overall multi-part program managed by IDFG, Region 2 to improve the elk herd by increasing Bear and Lion harvest with the help of outfitters who work primarily in back county. The meeting focused on what could be done to help the Outfitters be more productive. After Board discussion Director Howard concluded that he intended to present the information to the Regional Group of Interested Outfitters and IDFG, Region 2 for further action and that he would be available to assist if asked.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (Lyon-Judge) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:45 AM TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) AT 11:00 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Outfitted Turkey Hunting Discussion - Director Howard stated that after participating in several public meetings, considerable deliberations, reviewing input from the public, responses from state and federal agencies, he felt the Board had a reasonable response both in favor of some form of outfitted turkey hunting and a reasonable response

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generally against outfitted turkey hunting. He pointed out that the Board had reviewed over 150 written responses that had been received following recently held public forums in Weiser and Orofino where the Board had considered additional public input on this matter. Director Howard stated that in his opinion, there was no new information provided beyond what had come from earlier forums and information collected by the Outfitted Turkey Hunting Task Force facilitated by the Idaho Department of Fish and Game. He made the following recommendation:

That Board move: to allow up to 25 licensed outfitters to provide guided outfitted turkey hunts on their own deeded land for an experimental period of three years. Also, to initiate the MOU with the appropriate Federal Agencies to scope new commercial opportunities on public land relative to guided turkey hunts. Publicly declare: that the IOGLB feels that it must do all it can to encourage public access to privately owned property.

MSC (Burnt/Judge) TO ALLOW UP TO 25 LICENSED OUTFITTERS TO PROVIDE GUIDED OUTFITTED TURKEY HUNTS ON THEIR OWN DEEDED LAND FOR AN EXPERIMENTAL PERIOD OF THREE YEARS. ALSO, TO INITIATE THE MOU WITH THE APPROPRIATE FEDERAL AGENCIES TO SCOPE NEW COMMERCIAL OPPORTUNITIES ON PUBLIC LAND RELATIVE TO GUIDED TURKEY HUNTS.

MSC (Farr/Judge): PROCLAMATION: THE IOGLB FEELS THAT IT MUST DO ALL IT CAN TO ENCOURAGE PUBLIC ACCESS TO PRIVATELY OWNED PROPERTY.

Senator John C. Andreason spoke with the Board regarding their guided turkey decision. The Board explained their consideration of the matter and he asked to be notified when 10 outfitters were licensed for turkeys

Recessed for lunch @ 12:00 noon. Reconvened @ 1:30 with all members present. Also present were Executive Director Jake Howard and Board Counsel Steve Scanlin.

Change in Agenda – Director Howard suggested that a work session that was to have been facilitated by Mike Best regarding Outfitter Cross Licensing, Rivers and Fishing, Identifying Outfitters be postponed to the August Board meeting. Mr. Best would be asked provide the Board a written summary of the matters that they could consider in preparation for his August presentation. Mr. Howard stated some of the matters involved statutory changes that he would work on with Board Attorney, Steve Scanlin and which he would present during the July conference call.

Chairman Hunsucker and Director Howard excused themselves to participate in an interview at 2:10 with the intent of returning. Vice Chairman Scott Farr took over. Once in the interview, Mr. Hunsucker sent a message to Mr. Farr indicating the meeting should adjourn.

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With no further business to come before the Board, the meeting was adjourned at 2:30 PM, June 26.



WAYNE HUNSUCKER, CHAIRMAN

ATTEST:



JAKE HOWARD, EXECUTIVE DIRECTOR