

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

MINUTES

December 4-6, 2002

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

THE REGULAR MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:38 AM, WEDNESDAY, DECEMBER 4, 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 WERE EXECUTIVE DIRECTOR, JAKE HOWARD AND SECRETARY, KIM WALLET.

Review of Agenda: Director Howard reviewed the agenda with the Board and asked for last minute changes or recommendations. Director Howard notified the Board that Fred Smith is having surgery and will be unable to attend. Also, Joey Vaughn will possibly not be attending and IOGLB may not have a hearing regarding his matter. Board member Bernt asked if there would be enough time to discuss the matter with the Coast Guard. Director Howard said the matter was on the agenda and he felt there would be plenty of time for that matter.

August Board Minutes - Director Howard provided a draft copy of the August Board minutes for Board review and approval. Board member Judge suggested that the IOGLB administration shorten MSC sections with regard to complete names. Board Council Scanlin had suggested this change to the MSC format in the minutes due to a recommendation from the attorney from the Idaho Statesman. Following Board discussion, Director Howard stated he will change back to the format that was being used earlier and will only list the Board member's individual names when a vote is not unanimous or when moving to an executive session.

The Board asked that several editorial changes be made. They also discussed that in the future the draft minutes not be disseminated to the public or posted on the IOGLB Website until all the Board members have had a chance to review the minutes. Several of the members were concerned that it is hard for them to quickly review the minutes because as outfitters they were often in the backcountry and were inaccessible. They suggested on a trial basis that the Board allow themselves 30 days from the date they receive the draft minutes to review them and get comments back to the Executive Director. MSC (MOTION BY HUNSUCKER, SECOND BY JUDGE; UNANIMOUS) – TO APPROVE THE BOARD MINUTES FROM THE AUGUST MEETING WITH NO CHANGES MADE.

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2003 BOARD MEETINGS – The February Board Meeting will be held for five days on February 24 through February 28, 2003. 2003 Board meeting schedule for 2003: February 24 – 28; April 21 – 24; June 23 – 26; August 18 – 21; and December 1 – 4.

Financial Report - Director Howard presented the financial report as of October 31, 2002 and discussed the current budget expenditures. He explained the STARS report to the Board relative to current budget expenditures. Director Howard explained that IOGLB is on track with the current budget. He pointed out that capital outlay totaled \$23,919, of which \$22K was for the new vehicle. He said that he is concerned about the IOGLB personnel budget overall, primarily because Education and Enforcement Supervisor, Mr. Best is retiring on December 20 and his last official day in the office will be December 31. Because Mr. Best has a considerable payout for vacation time, Director Howard will have to calculate the enforcement budget to determine when funding is available for the new person to start. He said he was making arrangements for Steve Wolf to cover January and February. He hopes to have the new Education and Enforcement Supervisor start no later than March.

Director Howard discussed the budget's future. Director Howard reminded the Board that the office-operating budget is being overspent as it was last year and the difference is being made up from Board and Enforcement budget as it was last year. Director Howard said that office operational costs were largely fixed. Therefore, the difference has to come from enforcement and board budget to cover. He said that he is looking at several areas in the Office budget where there is some flexibility. For an example, the cost of printing forms and rulebooks is excessive. He felt that referring people to IOGLB's website may be necessary and he planned to mail hard copies printed off office computer system for those who cannot get to the website. Board Chairman Hunsucker suggested that IOGLB continue to use current rulebooks until gone and include addendum with changes.

FY 04 Budget Report – Director Howard reported after some negotiation the budget was accepted by DFM and he gave two forms to the Board Members for their review. Director Howard explained the forms and changes since the initial budget presentation. He explained the license fees and expenditures balance. This showed that IOGLB is operating at approximately a \$50,000 shortfall each year and will have to either increase fees or reduce services starting in 2005. Also, the Board discussed how Access Idaho will charge fees with the online system.

MSC (MOTION BY BERNT, SECOND BY LYON; UNANIMOUS) – TO ACCEPT FINANCIAL REPORT AS PRESENTED.

Introduction of Mark Stevens from Database Management Services (DMS). Director Howard said Mr. Stevens has been working hard to update and create the IOGLB database for office use to help expedite the license process. Mr. Stevens explained the reports as presented to the Board members and as office personnel will use them. The Board discussed how these reports show how the backlog from previous years will be resolved by using this new system.

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Mike Best, Enforcement Supervisor – Introduction of Si Senethavilay, BSU Intern for the Enforcement Department. He is helping to alleviate the backlog in the Enforcement Department through the middle of December.

Staff Reports – Natalie Bagley has left after having her baby and has submitted her resignation effective after her maternity leave – Kim Wallett has taken her place effective November 24, 2002. Director Howard repeated that Mr. Best was retiring and stated that as of Monday December 2, there were 38 applicants. He feels there will probably be around 75 applications total and that will be narrowed down to 3 to 5 candidates that can be reviewed and interviewed at the February Board meeting or sooner. He said the position will be filled as a non classified position and will serve at the discretion of the Board. The position will also be allowed hour by hour compensation time unlike the 1 ½ hours as before. He will call on several Board members to review the applications in January. Director Howard stated that he felt the change in Supervisors will have some affect on the Enforcement Bureau and that it is going to take some time to get it back on track. He said that Mr. Best's inability to work for almost six months because of his back problems has had a major impact on the program. Director Howard said that this has put an additional burden on him in trying to make sure Enforcement was being covered. This was difficult because he was trying to learn his own job after having been hired in April and he was dealing with making changes to the licensing program at the same time.

Leanne Reincke, Technical Records Specialist I, has received 6% increase as approved by Former Director Sangrey after her six-month anniversary and before the Governor froze all raises. He said Ms. Reincke is doing good work and is beginning grow in her position. Director Howard would also like to reclassify Office Specialist I position, filled by Fay Allen, to a Tech. Records Spec I and after discussing this with the Board he said that he would move forward with this change after the first of the year. He said Ms. Allen is also doing a very good job.

Licensing Report – To date, IOGLB have 299 Designated Agents, 417 Outfitters, and 2032 Guides. Compared to this time last year, IOGLB totals are slightly lower with Outfitters, are about on schedule with Designated Agents, and slightly lower with guides.

Bear and Cougar – Director Howard informed the Board that amendment applications were being taken for temporary one year overlaps allowing outfitters to cooperate with IDFG and the USFS in harvesting additional bear and cougars to help boost elk calf survival. Referring to Board Rule 026.02(a) through (e), Board Member Farr said that Outfitters should make every effort to cooperate with other outfitters to share or utilize their areas or relative to increasing predator harvest in those areas where existing outfitters are not meeting a reasonable harvest. Director Howard said that use reports have shown that most Outfitters have stepped up their harvest and that several were still lagging behind. He said that this must be a focus during this years use report review.

Technical Records Specialist – Leanne Reincke – New Applications/Amendments
Mark Cardall – Selected for Unit 76 and 78. It has been discovered that he has violations in Wyoming. Mike Best will contact Wyoming F&G to determine what decision will be

made regarding those violations. Board decision to be tabled until a later date when disposition is determined. Louise Stark – Amendment for Chukar hunting. Had no objection on assessment done by USFS. MSC (MOTION – JUDGE, SECOND – BERNT; UNANIMOUS) TO APPROVE AMENDMENT FOR CHUKAR HUNTING ALONG SA2 AND SA3. Director Howard mentioned a petition filed by Laura Bagley, Natsoh Koos Outfitters and that the matter should be discussed as parts of the Board's consideration of the SA7 A, B & C in February. Dave Boyle – Letter of relinquishment of license due to bond not being kept up. Calvin Sears – Has not kept insurance current. Director Howard has given 10 days to reinstate or the license will be relinquished.

ENFORCEMENT – MIKE BEST – STATUS OF CASES & COMPLAINTS

53 active cases; 1 active case from 1999; 1 case left in 2000 and 2001; remainder are open cases from 2002; have closed approximately half the cases that have come in during 2002. Steve Wolf took over Enforcement desk while Mr. Best was out on extended sick leave. Mr. Senethavilay, the intern, has been a great asset.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY JUDGE, SECOND BY BERNT – HUNSUCKER, FARR, BERNT, JUDGE, LYON – YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 12:25 PM TO DISCUSS MATTERS UNDER INVESTIGATION AND THAT ARE EXEMPT FROM DISCLOSURE. MSC (MOTION BY JUDGE, SECOND BY FARR – HUNSUCKER, FARR, BERNT, JUDGE, LYON – YEA) AT 1:00 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Recessed for lunch @ 1:00 pm. Reconvened with all members present. Also present were Executive Director Jake Howard, Board Council, Steve Scanlin, Enforcement Supervisor Mike Best, and Secretary Kim Wallett.

ENFORCEMENT POLICIES – STEVE TOBIASON, MIKE BEST

Mr. Tobiason and Mr. Best presented the Board with the following list of priorities for the Board to review.

The Board considered the following statement of priorities for investigation and enforcement action because of the limited the investigative resources available to the Board to immediately and fully investigate all of the complaints received. The Board's highest priorities are those complaints alleging or involving danger to health, safety and welfare of the general public. The Board considered the following listed priorities to provide guidance and direction to the Enforcement Supervisor for the priority of investigation of various types of complaints. The Enforcement Supervisor must always consider the severity of the complaint based upon the specific conduct alleged to have occurred. The Board does not intend these to be rigid priorities or to be a basis to refuse to review or give consideration to a specific complaint; these priorities are intended to provide guidance for the urgency of the investigation based upon the number of complaints received and the availability of Board investigators and enforcement agents.

The categories listed within a priority section are not set forth priorities with the general priority level (1st, 2nd or 3rd).

1st Priority – Operating in a manner which endangers the health, safety or welfare of the general public.

2nd Priority

- *Idaho Code § 36-2104* – For outfitting or guiding without a license.
- *Idaho Code § 36-2113(a)(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.

- *Idaho Code § 36-2113(a)(3)* – For conviction of a felony.
- *Idaho Code § 36-2113(a)(4)* – For two (2) or more forfeitures of any deposits of money or collateral with a court or administrative agency or for a conviction for violation of regulations of the United States Forest Service or the Bureau of Land Management.

- *Idaho Code § 36-2113(a)(5)* – For unethical or unprofessional conduct as defined by rules of the board. (As defined by IDAPA 25.01.01.002.45 – definition of Unethical/Unprofessional Conduct.) Specifically: Providing false, fraudulent or misleading information to the Board; harassment of the public in their use of Idaho's outdoor recreational opportunities; violation of state or federal fish and game laws; or engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed. (This is a partial listing of the elements of the definition of unethical and unprofessional conduct.)

- *Idaho Code § 36-2113(a)(6)* – For conviction of any violation of any state or federal fish and game or outfitting and guiding laws.

- *Idaho Code § 36-2113(a)(8)* – For willfully (i) operating in any area for which the licensee is not licensed, or (ii) engaging in any activity for which the licensee is not licensed.

- *Idaho Code § 36-2113(a)(9)* – For the employment of an unlicensed guide by an outfitter.

- *Idaho Code § 36-2113(a)(14)* – For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule or order of the outfitter and guide board. Specifically:

IDAPA Rule 25.01.01.067 – Inspections – Outfitter camps and equipment may be inspected at any time by an authorized person or any member of the Board with a written report submitted to the Board.

3rd Priority

- *Idaho Code § 36-2113(a)(5)* – For unethical or unprofessional conduct as defined by rules of the board. (As defined by IDAPA 25.01.01.002.45 – definition of Unethical/Unprofessional Conduct.) Specifically: Failure to obey and order of the Board; failure to pay a supplier of goods or services to the outfitter business; or failure to pay state taxes. (Additional elements of the definition of unethical and unprofessional conduct.)

- *Idaho Code § 36-2113(a)(10)* – For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business.

- *Idaho Code § 36-2113(a)(13)* – For failure of an outfitter to serve the public in any of the following ways (1) by nonuse of license privileges as defined by rules of the board, (2) by limiting services to any individual, group, corporation or club that limits its services to a membership, or (3) by not offering services to the general public.

- *Idaho Code § 36-2113(a)(14)* – For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule or order of the outfitter and guide board. Specifically:

IDAPA Rule 25.01.01.010 – Compliance With Laws – All licenses must comply with all local, state and federal laws.

IDAPA Rule 25.01.01.012 – Outfitter Responsibilities – An outfitter shall be responsible for maintaining neat, orderly and sanitary camps, etc.

IDAPA Rule 25.01.01.034 – Guide Application Requirements – General – An application for guide license must be accompanied by a valid first aid card, appropriate signatures, etc.

IDAPA Rule 25.01.01.035 – Guide Application Requirements – Hunting – A guide applicant for big game hunting shall follow all requirements of the Board.

IDAPA Rule 25.01.01.050 – General Fish and Game Rules – An outfitter or guide shall never kill a client's game or catch his fish for him, etc.

IDAPA Rule 25.01.01.051 – Placement of Hunting Camps – A hunting outfitter shall not place a camp in an area for which he is not licensed, etc.

4th Priority

- *Idaho Code § 36-2113(a)(2)* – For fraudulent, untruthful or misleading advertising.

- *Idaho Code § 36-2113(a)(11)* – For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter.

- *Idaho Code § 36-2113(a)(12)* – For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.

- *Idaho Code § 36-2113(a)(14)* – For violation of or noncompliance with any applicable provision of this act, or for violation of any lawful rule or order of the outfitter and guide board. Specifically:

IDAPA Rule 25.01.01.023 – Third Party Agreements – An outfitter shall not sublet or enter into any third party agreements involving the use of his activities, operating areas or license.

FIRST AID CARD PROCEDURES – Director Howard & Mike Best

Board received and reviewed the First Aid Procedures that Director Howard and Mr. Best have drafted. Director Howard read the document and Board members suggested changes as progressed through document. The changes will be incorporated and Director Howard

will present the procedures to the Outfitters at the IOGA meeting next week. MSC (WJ – MOTION, SECONDED – SF - UNANIMOUS) TO APPROVE THE FIRST AID PROCEDURES AS PRESENTED BY DIRECTOR HOWARD WITH DISCUSSED CHANGES TO BE MADE.

GUIDE LICENSE APPLICATION FORM

The Board also reviewed the draft of the new guide license application forms and edits will be made to that as per Board requests. The application forms will be edited as per the Board's direction for distribution.

MONICA ZIMMERMAN – BLM IDAHO FALLS– BOATING ISSUES ON SOUTH FORK OF THE SNAKE

Ms. Zimmerman asked for clarification on rules for boating on South Fork of the Snake River regarding Rule 059. The Board stated that 2 half day trips equal 1 full day trip as long as the outfitter does not exceed 4 boats AT ANY ONE TIME. This is enforced by BLM as a permit violation and dealt with directly by BLM.

The Board asked Ms Zimmerman about the sticker program the BLM uses to manage outfitter boats on the South Fork of the Snake. Outfitters are asked to provide BLM with guide list and each decal is produced with outfitter and guide code assigned by BLM. BLM is currently posting a sign at two of their boat ramp locations to notify the client of the legal outfitters in that area. The decal is issued as a different color each year and the year is present also. Ms Zimmerman said third party agreements are presenting a problem on the South Fork and this has created the need for the sticker program. THE BOARD ASKED DIRECTOR HOWARD TO LOOK INTO DEVELOPING A SIMILAR PROGRAM ON THE CLEARWATER MANAGED BY IOGLB.

Fee Demo monies: The IOGLB could possibly get monies for that area for the IOGLB Enforcement program. The committee meets as a working group in January. THE BOARD REQUESTED ENFORCEMENT SUPERVISOR MIKE BEST TO CONTACT CAL EDWARDS TO BE PRESENT AT THAT MEETING. Ms. Zimmerman is currently trying to set up the same fee demo system on the Henry's Fork area. Director Howard asked Mr. Best to draft a letter for his signature proposing amounts that would be requested for Enforcement on both stretches. Overall usage on the Snake River has pretty much stabilized on the upper stretch. The lower river is currently having increased use. Black Canyon is divided oddly. It was suggested that the lower stretch should eventually be further segmented.

Meeting recessed at 5:20 pm and reconvened at 8:30 AM, Thursday, December 05, 2002 with all members present. Also present were Executive Director Jake Howard, Technical Records Specialist Leanne Reincke, Enforcement Supervisor Mike Best and Secretary Kim Walleff.

WORK SESSION – ALLOCATION MANUAL/HANDBOOK – LEANNE REINCKE, BOARD MEMBER LYON

Board member Farr suggested that the allocation handbook be distributed to the hunt section meeting at the IOGA meeting next week for review and comment. Ms. Reincke will make her presentation at the IOGA meeting on Wednesday, December 12, 2002 at 2:30 pm. Board Member Judge had a question about how IOGLB deals with hardship cases. Ms. Reincke stated that the matter would be added to the handbook. Also, Board Member Judge would like to see an introduction added to the document. Grant Simonds, IOGA, was asked to prepare an historical overview of allocation for the document. Board Member Judge asked for some clarification on the allocation update provided for them on Wednesday. Ms. Reincke provided some information to elaborate and explain the numbers provided where the allocated hunts were concerned.

Director Howard notified the Board that the IOGLB staff is also preparing outfitter new application and outfitter amendment handbooks in cooperation with IOGA.

NEW BUSINESS – COAST GUARD

Director Howard introduced Lt. Gilmore and Capt. Jewell with the United States Coast Guard, in attendance to discuss with the Board Coast Guard License activities on rivers in Idaho as they affect outfitters. The discussion centered on what is relevant as far as requirements on the Salmon, Clearwater and Snake Rivers. Training requirements appeared to be a problem. Capt. Jewell discussed reducing the training requirement from 360 days to 120 days where operations are provided through a limited scope license. It was discussed that IOGLB may potentially create a boater exam that the Coast Guard will accept in place of their exam. It was stated that Federal Navigability would not affect private land over the high water mark. The Board discussed a limited scope license for outfitters on the Snake River below Hells Canyon Dam. The majority of the Snake River cannot be removed because it is a border river.

Captain Jewell suggested that the Board submit a letter to the 13th District of the Coast Guard, asking that the Salmon, Clearwater, and the area of the Snake above Homedale, be removed from the Federal Navigability (Coast Guard) jurisdiction. Capt. Jewell will support that request when submitting it to the Admiral in Seattle.

Board Member Bernt would like to see some kind of exemption for less than 10 hp on a drift boat. Capt. Jewell stated that he cannot make that exemption because it would have to be nationwide and he does not have that authority. There is a possibility of making a request for the exemption for less than 10 hp on a drift boats. Capt. Jewell said that Board might contact the Congressional Delegation to request a specific waiver through Congress.

STAN POTTS – TO EXPLAIN POSSIBLE SALE OF BUSINESS

Director Howard introduced Mr. Potts and discussed the fact that Mr. Potts is considering selling his business. Mr. Potts stated that he has clients from Little Rock, Arkansas who have discussed pooling their monies, and forming a Limited Partnership to purchase the business while keeping Mr. Potts on as Designated Agent and partial owner, up to 5 or 10%. This would include all of his operating areas. Activities include full range of hunting and fishing. Mr. Potts also has a potential offer from a Doctor from California. This would

be an outright sale if the Doctor purchased the area although Mr. Potts would again be kept on as Designated Agent.

The Board discussed Papoose Lake and that Travis Bullock, Steve Zettel and Mr. Potts were in disagreement on too many outfitters on the lake per Mr. Bullock's opinion. Papoose Lake is approximately 40 acres large. The Board decided that in all fairness to Mr. Bullock, this matter would need to be considered before a transfer happened and that Mr. Potts needed to develop an agreement addressing this issue that is fair to Mr. Bullock. **MS. REINCKE WILL RESEARCH THE PREVIOUS AGREEMENT BETWEEN MR. POTTS AND MR. BULLOCK.** The Board asked that Mr. Potts present an agreement between himself, Mr. Bullock and Mr. Zettel, settling this matter. If this cannot be done, then the Board will deal with the situation when the sale documentation is filed.

Mr. Potts asked the Board that if "in his Owyhee area while lion hunting, would a dog handler need to be a licensed guide?" The answer was that they would.

Mr. Potts said that he felt that with regard to the Special Lottery and Auction Sheep Tags – tags should be good for all sheep areas in the State of Idaho. He asked how complicated would it be for only the two "special" tags to give the outfitter permission to hunt in any area in the state? Mr. Potts requested the IOGLB to research the matter with the sheep outfitters and see if this kind of permission would be accepted. The Board suggested that Mr. Potts conduct this research and would consider a document signed by all sheep hunt outfitters. Director Howard reminded Mr. Potts that until some other direction is decided he must explicitly follow the Board's rule on overlaps and use of other outfitter areas. He pointed out that Mr. Potts got off track last fall with Louise Stark and Doug Sayer and that at the last minute Mr. Potts had to make reparation to settle a dispute over his trespass into an area he was not licensed for. It was discussed that next spring. The Board will review reports for non-use of activities and possibly remove sheep hunting from licenses that aren't being used.

The Board also clarified that photographers that are hired by the outfitter and are providing a service to the client need to be licensed as a guide. If the client brings a friend along to photograph or videotape the hunt, that person does not need to be licensed if they are not compensated according Board rules.

GIS UPDATE – BART BUTTERFIELD

Director Howard introduced Bart Butterfield from IDFG, who is putting together a GIS system for IOGLB to better manage its an operating area system. Ms. Reincke sent the area descriptions database to Mr. Butterfield to review. Mr. Butterfield has looked at that and stated that he perceives approximately 300 – 350 hunt areas that have been digitized and several times that many to still be completed. Mr. Butterfield stated that there is some information already digitized but that most outfitters have more than one operating area and that many operating areas have changed since the information was initially entered into the system. The IOGLB will need to review that and determine what changes need to be made and what information is missing before it is put into the system. All of the FS and BLM boundaries are already digitized. The cost will be approximately \$6,000 to \$7,000

for Mr. Butterfield to confirm current information and input other information. Director Howard said he has talked to Nez Perce, Clearwater and Panhandle National Forests about joining into a partnership on the cost of this project, as this would benefit all agencies. Director Howard mentioned the IOGA meeting and asked Mr. Butterfield to participate in the discussion at the IOGA Interagency meeting, Thursday, December 12, 2002 at 2:00 PM. Mr. Butterfield said that he would be there.

WORK SESSION – GRANT SIMONDS

IOGA initiated discussion of issues surrounding fishing in Stanley and Orofino, with regard to river outfitter license and special use permitting. Patty Bates, District Ranger, encourages float boaters to get their licensing for the fishing on the face of their permit. Forest Service is very interested in working with individual permittees with their activity where related to fishing. IOGA will deal with these issues one at a time. It was brought up that fishing may have been “disappearing” from Guide licenses for the last few years. It is thought that this was done to limit used space on the face of the license. This was done primarily on guide licenses, as listing all activities would use too much space. Director Howard asked Fay Allen to join the meeting and provide some input on this. She said that the Outfitter licenses and Designated Agents still show all activities. This may be changed to have Guide license show all activities. The matter will be further researched and handled by IOGLB staff. Board Member Farr suggested that IOGLB strike the word incidental from the Area Descriptions database. Others suggested that incidental be defined in some manner to agree with all agency definitions of it. Also, clarify what incidental applies to whether it is the business or the activity. Mr. Simonds feels that the IOGLB should consider eliminating the different codes for the different activities due to the fact that it is confusing. The Board may entertain these proposals from the IOGA regarding this matter.

Recessed for lunch at 12:05 PM and reconvened at 1:30 PM with all members present. Also present were Executive Director Jake Howard, Board Council Steve Scanlin, Technical Records Specialist Leanne Reincke, IOGA Grant Simonds, and Secretary Kim Wallett.

SHANE MCAFEE – EXPLAIN SPLITTING OF BUSINESS

Director Howard introduced outfitter Shane McAfee and explained that he is selling his business, both private and public land. Mr. McAfee is proposing that the Board allow the split of the area. Mr. McAfee explained that he has been working at this for 30 years and is now looking to move on since he feels burned out on running the business. His operation in the High Country public land is approx 85 sq miles that has been in the family for many years, and the private land operation started in about 1995. Does not like things that are happening lately with IDFG and FS and is just trying to get out of the business right now. Director Howard explained that there has been historical concern regarding the private land that Mr. McAfee has outfitted. The two operating areas are about 115 miles apart. Mr. McAfee has had about 150 inquiries of potential buyers and has narrowed it down to Al Petrosky from Pennsylvania for the private land and Doug Evans from Nevada for the public land. He has spent quite a bit of money in advertising and would like the sale to be final on January 1 for the public land and have the private land sale final on March 1.

All applications have been received in the IOGLB office and are being processed by office staff. The concern is the private land issue. There is an unwritten agreement with IDFG that Mr. McAfee would stick to the limit of 10 ranches that he imposed on himself. He said this is a perceived limit only and there has not been an official letter at any time, to the best of his knowledge. MS. REINCKE WAS ASKED TO RESEARCH THIS. The limit is 5 ranches for elk only and all ten for antelope and deer. It will be up to the purchaser to contact the other ranchers for use. The only items being sold for the public land operation to Mr. Evans will be the equipment used is on FS land. Mr. McAfee will assist the purchasers for no salary for one full year as part of the purchase agreement. Director Howard stated that IOGLB will require the private land outfitter supply a report every year current information with regard to their land use agreements on this premis. Director Howard would propose that IOGLB move ahead with the public land and review the private land and request that Mr. Petrosky appear before the Board in February. Mr. Petrosky would need to supply a LMSO from the landowners before he will be approved. Mr. Petrosky also would like to keep it to a small operation like Mr. McAfee currently runs. If Mr. Petrosky uses more than 10 ranches, he should be called before the Board to explain why he is doing it. **THE BOARD REQUESTS THAT MR. PETROSKY SUPPLY THE BOARD WITH LAND MANAGER SIGNOFFS AND THEY WILL PROCEED WITH THE LICENSE REQUEST FOR THE PRIVATE LAND USE AS DISCUSSED. THE PUBLIC LAND APPLICATIONS SHOULD BE PROCESSED NORMALLY.**

LEGISLATIVE PACKAGE - STEVE SCANLIN – BOARD COUNCIL

Documents are at the House of Representatives ready to be printed. IOGLB cannot change them at this point but can drop any of them.

After discussion of all the legislation, it was determined that these are acceptable and understood as written. These will all be presented to the IOGA next week and be voted on in the Legislature this spring.

PENDING RULES

The pending rules were put out for public comment this previous fall. Comments were requested to be submitted by October 23. Director Howard said the rules were adopted by the Board at a special meeting on October 21 and are now pending legislative approval. The Board discussed the pending rules. Board member Judge asked if the rules could be changed at this point. Board Counsel Scanlin said the legislature can approve all the rules or deny any part when voted upon. They will be reviewed by both houses of the legislative session. First by a subcommittee, then a general committee. If there are objections, there may be a hearing. The senate will vote in a similar manner. The rules could be reviewed early in the legislative session.

Board member Farr reminded Director Howard that the policy already is in place that a complete application includes all information except the bond and the insurance. Typically insurance companies prefer to send insurance and bond information directly to the IOGLB.

Meeting recessed at 5:15 pm and reconvened at 8:35 AM, Friday, December 6, 2002 with all members present. Also present were Executive Director Jake Howard, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

MARK BERRY – REQUESTING EXCEPTION

Ms. Reincke introduced Mark Berry who is requesting land access from Lake Pend O'Reille to allow hunters into his operating area. Mr. Berry has been an outfitter since June of 2002. He presented a packet of information regarding his business and what kind of promotional items that he has done over the last six months. He has obtained Land Manager Sign Off to use the Forest Service docks. He is requesting use of a powerboat for transport and/or rescue only to access parts of Unit 4A that are not accessible by land or due to inclement weather. The packet includes a map showing where he would like to transport to for hunting purpose within his operating area. This showed where the FS docks are located that he would like to access. He would transport by vehicle from the ranch to the Holiday Shores Marina and then transport to the other docks. Mr. Berry maintains that he will not be using his boat for fishing purposes and it will be used exclusive for transporting hunting clients to remote areas. His boat is fully equipped for performing the transport service. He also addressed client and employee safety. He maintains that safety is his number one priority. He has already contacted the local emergency offices for numbers and information and to make them aware of his business and possible client needs. His hunts will all be guided with constant contact between the guides and the hunters either in person or at the very least by two-way radio. He has no intention of trying to obtain a fishing permit for the area. Mr. Berry has also tried to obtain some good will between other outfitters in the area by referring clients who have extra time and would like to go fishing. Mr. Berry is anticipating approximately 25 to 30 hunter's maximum, although it could go as high as 50 due to his promotional activity. The Board determined that transporting clients is not a licensable activity even when being done in a non-conventional way such as using a boat. MSC (MOTION – RL, SECONDED – WJ; UNANIMOUS) A LETTER WILL BE PLACED IN BERRY'S FILE EXPLAINING THE PURPOSE FOR HIS BOATING. THIS PURPOSE BEING THAT IT WILL BE FOR THE TRANSPORTATION ONLY OF HUNTERS AND THAT IT DOES NOT NEED TO APPEAR ON HIS LICENSE.

KARL AMONSON – REPRESENTING AN APPLICATION FROM LEMHI VALLEY EXPEDITIONS

Mr. Amonson will be the Designated Agent for Lemhi Valley Expeditions that has applied for both private and public land use. They are requesting to be licensed for the private land use at this time with amending for the public land use when approved by other agencies. The private land is about 10 miles from Leadore. The family has been in the area since the 1800's. The ranchers in the area are all familiar with Amonson and all the family members. They have requested funds for setting up spawning areas. Would like to be able to photograph Chinook salmon as part of their business, although the majority of the business will be fishing. Board Chairman Hunsucker interjected that IOGLB does not license for bird hunting as requested and that IDFG must first issue a shooting preserve license. Mr. Amonson stated that he is aware of this and has contacted IDFG for the shooting preserve license. Ms. Reincke stated that BLM responded to IOGLB's research letter on November

18 and IDFG responded on September 6. The BLM is not ready to permit the area and will undertake an environmental assessment. IDFG states they are approved to outfit on private lands. Board Chairman Hunsucker also told Mr. Amonson that his application on public land was requesting a new opportunity on the public lands and legally the Board is obligated to scope the area in cooperation with the federal land management agency and the advertise it to present to the public an opportunity to apply. Discussion has occurred with Ms. Reincke with regard to splitting the application into two sections; public and private land use with Lemhi Valley Expeditions moving into private immediately and public at a later date. The Board asked if some of the private ranches may conflict with existing outfitter Shane McAfee's operation. Mr. Amonson responded that they have prepared for this by planning to contact the owners every time, before they go into the area. Mr. Amonson supplied a plan to the Board. Mr. Amonson stated that he will be going in to plant and create habitat for the birds in the area thereby increasing the amount of birds in the area. The ranchers will be paid for the use of the land, and raise the birds if desired. This could prove to be a good source of income for the ranchers. Mr. Amonson would ask that IOGLB give consideration to the other officials in the area with regard to their approval for this matter, while possibly not giving as much consideration to the IDFG response which was negative and somewhat subjective. Director Howard asked Mr. Amonson to contact Jim Lukens, IDFG, to discuss this response and to possibly address issues expressed. Board Chairman Hunsucker feels that all the Board can do at this time is license for the fishing, recreation, and hunting on private land once Lemhi Valley Expeditions has obtained a shooting preserve permit. Mr. Amonson plans to ask the other ranchers get a shooting preserve permit and allow Lemhi Valley Expeditions to manage the land. Director Howard asked Mr. Amonson to submit a letter requesting that the application be split into two sections. He would also ask that Mr. Amonson make an effort to be at the proposed symposium on public land that is tentatively planned for next spring.

MSC (MOTION - SF, SECONDED – WJ – UNANIMOUS – WH COMMENT BELOW) TO APPROVE A PORTION OF APPLICATION FOR LEMHI VALLEY EXPEDITIONS – RELATIVE TO THOSE ACTIVITIES REQUESTED, EXCLUDING BIRD HUNTING AT THIS TIME CONTINGENT UPON RECEIVING THE SHOOTING PRESERVE PERMIT. THIS WILL ALSO EXCLUDE WATER FOWL AS THIS IS NOT A LICENSABLE ACTIVITY. THIS APPROVAL ONLY APPLIES TO THE PRIVATE LANDS THAT HE CURRENTLY OWNS OR HAS A LMSO. THIS IS ALSO CONTINGENT UPON RECEIVING A FORMAL REQUEST TO SEPARATE THE APPLICATION INTO PUBLIC AND PRIVATE LAND APPLICATIONS.

COMMENT ABOVE – BOARD CHAIRMAN HUNSUCKER HAS A CONCERN THAT THE DOGS AND THE GUIDES STRICTLY MAINTAIN THE BOUNDARY LINES BETWEEN THE PUBLIC AND PRIVATE LANDS AND SHOOTING PRESERVE.

BOARD COUNCIL STEVE SCANLIN – CONTRACTS

At the Board's request, Mr. Scanlin prepared language for a proposed policy change to Board Rule 2. The change includes language from the Colorado, and Montana Outfitter Licensing Boards. The Board felt that contracting will help to protect the outfitter as well as the client. There was particular concern with outfitters being drawn into contract

disputes. The Board felt that the initial scope of the contract policy should address big game hunting and would exclude the boaters and other land based activities, which have fewer contract disputes. Discussion included concern with the Enforcement's difficulty in resolving cases where contracts do not exist and that the unresolved cases are hurting the industry. Mr. Best said that there were 4 to 6 cases per year where a contract could help address some settlement of the case. This would help expedite enforcement activities. The Board does not want to dictate contract terms and felt that the change would provide minimal guidelines for the Outfitter to follow in developing their own contracts. This change would not preclude or replace any waiver of liability that is signed by the client for any activity. MSC (MOTION - SF, SECONDED – RL; UNANIMOUS) TO HAVE BOARD COUNCIL SCANLIN PUT THIS INFORMATION INTO DRAFT RULE AND DIRECTOR HOWARD WILL PRESENT IT AT THE HUNT SECTION, SPECIFIC TO BIG GAME OUTFITTERS, OF THE IOGA MEETING FOR THEM TO PROVIDE COMMENTS BEFORE THE NEXT BOARD MEETING IN FEBRUARY OF 2003.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY RL, SECOND BY WJ – HUNSUCKER, FARR, BERNT, JUDGE, LYON - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 11:10 AM TO DISCUSS PERSONNEL MATTERS MSC (MOTION BY RL, SECOND BY WJ – HUNSUCKER, FARR, BERNT, JUDGE, LYON - YEA) AT 12:30 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Recessed for lunch @ 12:30 pm. Reconvened with all members present except Chairman Hunsucker who excused himself to deal with personal matters. Also present were Executive Director Jake Howard, Board Council, Steve Scanlin, Enforcement Super Mike Best, and Secretary Kim Wallett.

KIRK BACHMAN – TECHNICAL ADVISORY COMMITTEE (TAC)

Kirk Bachman is a member of the IOGLB's Technical Advisory Committee (TAC). He presented issues concerning licensing cross-country skiing and backcountry skiing. Mr. Bachman appeared approximately one year ago regarding this same issue and has a letter from Dean Sangrey from February 2002. The matter was temporarily tabled in the change over between Mr. Sangrey and Director Howard. The matter is being revisited due to changes in the industry. This matter originally came to light in reviewing an application submitted to the IOGLB Administration for backcountry skiing. The current ski guiding history and rules are available on-line and Mr. Bachman feels that they need to be updated to reflect current industry. One of the proposed changes is that the IOGLB license be based on the type of terrain being exposed to the clients. Low country, non-avalanche danger area would be licensed as cross-country skiing; and High country, with avalanche danger would be licensed as backcountry skiing. It is the concern of the TAC that all applicants are fully trained for necessary or potential situations. This training would be laid upon the outfitter as far as what training, equipment, and services they supply. Outfitters could not deviate from the terrain delineated on their operating area. This would have to be specified within the scope of the operation when submitting the application. This will be handled case by case and spelled out very specifically for every license. Mr. Bachman would also like to see clear standards set to review outfitters applications by the TAC.

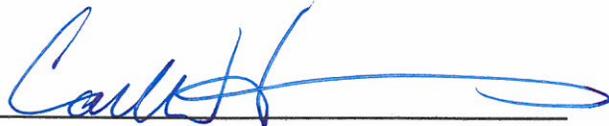
Would set standards to be similar to the IOGLB rules with regard to guides. The amount of training would need to be specified explicitly. The Board also needs to specifically define “hazardous” and “non-hazardous” terrain. It was suggested that the Board possibly use the terms “Sub-Alpine” vs. “Hazardous” terrain to determine the difference between Cross-Country and Back Country Skiing. It was also suggested that it may be necessary to increase the members of the TAC to five. If increased, the needed responses will be three concurrent responses. Also, this should possibly include at least two cross country skiing and two backcountry outfitters. The Board directed Director Howard and Mr. Bachman to move forward with preparing a draft of a new rule including some new terminology (Level 1, Level 2, etc.) for labeling the different expertise. This will be submitted to the Board for review at a later date. Bob Rosso will all be a contact for this matter due to the fact the Mr. Bachman will be out of the state for the next two board meetings.

At 2:30 pm Board Member Judge excused himself to catch an airline flight.

WORK SESSION – PRIORITIES OF THE BOARD

Director Howard and the Board discussed a list of topics that need to be prioritized over the upcoming meeting agendas. Director Howard agreed to develop a complete list and provide it to the Board under a separate cover. There would be time spent at the next Board meeting on planning and prioritizing this list.

With no further business to come before the Board, the meeting was adjourned at 3:20 PM, December 6.



WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, EXECUTIVE DIRECTOR