STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
BOARD MEETING

MINUTES

December 1-3, 2003

(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 8:34 AM, MONDAY, DECEMBER 1, 2003, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. VICE CHAIRMAN SCOTT FARR AND MEMBERS BILL BERNT, WILL JUDGE, AND RAY LYON WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD ATTORNEY STEVE SCANLIN, AND SECRETARY KIM WALLETT. BOARD CHAIRMAN WAYNE HUNSUCKER ARRIVED AT 9:00 AM.

Review of Agenda: Director Howard noted that the agenda had been changed. All of the hearings except one were rescheduled.

MSC (MOTION BY FARR, SECONDED BY LYON – UNANIMOUS) TO ACCEPT SEPTEMBER BOARD MEETING MINUTES WITH CHANGES MADE.

IOGLB/FEDERAL MOU: Director Howard presented the final MOU to the Board and stated that all comments have been received and incorporated. He said that it is now being circulated to the agency representatives for signature. Chairman Hunsucker signed the MOU and Director Howard will forward the document to the next signatory.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY BERNT – UNANIMOUS) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:00 AM TO DISCUSS LEGAL AND PERSONNEL ISSUES. MSC (MOTION BY FARR, SECOND BY JUDGE-UNANIMOUS) AT 12:10 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Recessed for lunch *@ 12:10 PM and reconvened at 1:15 PM with Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Board Attorney Steve Scanlin, and Secretary Kim Wallett. Chairman Hunsucker was absent for the afternoon session.*

NON-USE POLICY DISCUSSION: The Board discussed the policy and rules with regard to non-use. Director Howard stated that the current policy is unclear and that he is attempting to clarify in order to place in the manuals. Director Howard stated that the outfitter's use reports should be reviewed on an annual basis. In the case of a partial sale of a business, the Board determined that if that portion has had zero use, the sale should

be reviewed by the board and could be denied. If the area has had negligible use, it should be reviewed by the Board and the buyer could be notified that an operating area associated with a sale that is in non-use and that use must be established within the following three years or the area may be removed from their license.

MSC (MOTION BY LYON, SECONDED BY BERNT - UNANIMOUS) THE BOARD DIRECTS DIRECTOR HOWARD TO REVIEW THOSE BUSINESSES THAT SHOW ZERO OR NEGLIGABLE USE IN GENERAL AND THEY WILL HAVE AN OPPORTUNITY TO, PRIOR TO BEING SCHEDULED FOR A BOARD HEARING, PROVIDE USE INFORMATION. DIRECTOR HOWARD IS TO BEGIN BY REVIEWING THE OPERATING AREAS THAT CURRENTLY HAVE A WAITING LIST.

STEVE TOBIASON – STIPULATION AGREEMENT – MIKAL ERICKSON: Mr. Erickson has agreed to plead guilty to four of the six counts charged in the administrative complaint. He would agree to pay prosecution and investigation costs within 180 days. He also agrees to cooperate in a future investigation and hearing. He also agrees not to seek re-licensure for a period of five years.

MSC (MOTION BY LYON; SECONDED BY JUDGE – UNANIMOUS) TO ACCEPT THE STIPULATION OF MR. MIKAL ERICKSON AS PRESENTED BY MR. TOBIASON.

Ray Lyon excused himself at 2:00 pm for a personal matter and returned at 3:30 pm.

REVIEW OF INDIVIDUALS WITH MULTIPLE LICENSES: Director Howard presented information with regard to outfitters that are holding multiple licenses.

MSC (MOTION BY JUDGE, SECONDED BY BERNT - UNANIMOUS) FOR THE PROPOSED 2005 RULE PACKAGE, AN OUTFITTER HOLDING MULTIPLE LICENSES FOR THE SAME OPERATING AREA, RIVER SEGMENT, LAKE OR RESERVOIR, MUST PAY LICENSE FEES FOR EACH LICENSE AND PROVIDE USE INFORMATION FOR EACH LICENSE. BONDING INFORMATION AND INSURANCE CAN ENCOMPASS MULTIPLE COMPANIES PROVIDED ALL BUSINESS NAMES ARE LISTED.

OUTFITTER TAG ALLOCATION POLICY: Grant Simonds, IOGA Executive Director was present for this discussion. Board Member Farr and Mr. Simonds presented a Draft proposal for a Concept to Expedite Selling of unused tags in capped zones.

Chairman Hunsucker returned at 4:45 pm.

Meeting recessed at 5:00 PM and reconvened at 8:40 AM, Tuesday, December 2, 2003, with Chairman Wayne Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge, and Ray Lyon present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, and Secretary Kim Wallett.

WORK SESSION – INSTRUCTION MANUALS: Director Howard introduced Jenni Blake, who has contracted with IOGLB to complete the manuals. Director Howard noted that Ms. Blake had a number of years experience with the USFS as a permit administrator dealing with outfitters application, amendment and sales. He also stated that the manuals were developed from the IOGLB / Federal Agency MOU that was recently completed and that the manuals were also near completion, but that they were still in need of Board and industry review. Director Howard stated that he hopes to have these manuals finalized and approved for distribution at the February 2004 Board meeting. He noted that he had already begun using them in certain instances. There will be three manuals. They are:

- *New Outfitter Applications* – This is for an individual wishing to apply for an outfitters license. Deals with opportunities initiated by the individual, opportunities initiated by the agency (state or federal), or an opportunity on state or private lands.
- *Buying and Selling an Outfitter Business* – This manual details how the buyer and seller should progress throughout the purchase of the business and what the state and federal processes are for that.
- *Outfitter Amendments* – This deals with major amendments, minor amendments and one time controlled hunts outside of operating area.

The Board stated that the manuals were well put together and would be very beneficial to the industry. Board Member Farr had some comments that were incorporated into the manuals.

Director Howard informed the Board that training was planned this spring for federal agency managers and for the industry representatives who will use these manuals.

Recessed for lunch *@ 11:55AM and reconvened at 1:15 PM with Vice Chairman Scott Farr, and members Bill Bernt, Will Judge and Ray Lyon present. Also present were Executive Director Jake Howard, Board Attorney Steve Scanlin, and Secretary Kim Wallett.*

STAFF REPORTS – Steve Scanlin – Rules and Legislation Update: Board Counsel Scanlin presented the rules that have been gone to the legislature to be approved in the Spring 2004 session. These rules are in effect currently and will become permanent after approval. There were also pending rules that will go into effect after the Legislative session. Mr. Scanlin is also working on rules that will be proposed to the legislature next year but are not in effect now with regard to waterway boundaries. He also presented the Legislation that is being presented to the Legislature with regard to the proposed fee agreement with the IOGA.

PROPOSED FEE INCREASE: Also present were Brad Hoaglun, IOGA Representative; Grant Simonds, IOGA Executive Director; Shelly Fisher, IOGA Representative. Director Howard presented to the Board the proposed fee increase agreement that has been agreed to with the IOGA and the Board approved that agreement. This agreed upon increase was presented to the industry at the IOGA meeting

during the week of December 8, 2003. Mr. Simonds felt that the overall feeling for this proposal was a positive one.

Chairman Hunsucker arrived at 1:55 PM.

STAFF REPORTS – Enforcement Report – BJ Snooks – Enforcement Supervisor: Mr. Snooks provided examples of cases of illegal outfitting that are being investigated. He also discussed with the board the difference between booking agents and guides and presented an example of where a problem is existing. Mr. Snooks also asked the Board for direction on the First Aid Card rule and the 15-day rule. Both of these rules are causing confusion and difficulties in the enforcement for the industry. The Board discussed that replacement of a guide on an emergency only and not a routine basis should be the way the 15-day rule is to be interpreted.

Meeting recessed at 5:15 PM and reconvened at 8:35 AM, Wednesday, December 3, 2003, with Chairman Hunsucker, Vice Chairman Scott Farr, and members Bill Bernt, Will Judge, and Ray Lyon present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

PROPOSED SKI RULES – LEANNE REINCKE: Ms. Reincke presented the rules as written by Board Counsel Scanlin, Ms. Leanne Reincke, and Mr. Kirk Bachman TAC Specialist.

MSC (MOTION BY BERNT, SECOND BY LYON – UNANIMOUS) TO ACCEPT PROPOSED SKI RULES AS PRESENTED WITH THE DEFINITIONS OF HAZARDOUS AND NON-HAZARDOUS BEING MORE CLEARLY STATED. THESE SKI RULES WILL BE ADOPTED AS TEMPORARY RULES FOR THE CURRENT SEASON AND WILL BE PROMULGATED TO THE LEGISLATURE EFFECTIVE DECEMBER 1.

Board Counsel Scanlin excused himself at 9:00 AM.

STAFF REPORTS – Technical Records Specialist I – Leanne Reincke: Ms. Reincke presented reports (attached) detailing the current status of new applications, amendment requests, and buy/sell areas, that are both pending and have been completed since the September 2003 Board meeting. She also included the allocation information. Lolo recalculation will be scheduled for February for putting into effect December 2005.

The Board asked Director Howard to add a new page to the IOGLB website for Open Applications / New Opportunities.

STAFF REPORTS – Enforcement Report – BJ Snooks – Enforcement Supervisor: Mr. Snooks presented his monthly reports of cases that have been investigated and closed as well as the ones that are still under investigation and the officers those cases are assigned to. He also stated that they are investigating "repeat offenders" and trying to clear up those cases as well. Mr. Snooks explained that the majority of the complaints received in the office are unfounded or unsubstantiated.

The board instructed Director Howard and Mr. Snooks to place enforcement information on the website or in the newsletter. The only cases that will be listed will be cases that are not unfounded. They should also have a list of unfounded cases without names being applied.

Mr. Snooks suggested that a committee be created to review cases that are more complex for one person to review. The Board directed Director Howard to look into what jurisdiction they may have over Guide Schools.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY FARR, SECOND BY BERNT – UNANIMOUS) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:00 AM TO DISCUSS ENFORCEMENT MATTERS. MSC (MOTION BY FARR, SECOND BY JUDGE-UNANIMOUS) AT 12:10 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

DIRECTOR'S REPORT – Executive Director, Jake Howard: Director Howard reviewed the financial report, the licensing report and the probationary licenses report with the Board. He stated that renewal packets had gone out to the industry and renewals are already coming in to the office.

The Board scheduled the following tentative meeting dates and locations for 2004. February 17-20 – Boise; April 26-28 – Boise; June 14-16 – Coeur d'Alene; August 23-25 – Boise or Idaho Falls.

With no further business to come before the Board, the meeting was adjourned at 12:30 PM, December 3, 2003.

Scott Farr, Vice Chairman

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, EXECUTIVE DIRECTOR