

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

MINUTES

August 23 – 25, 2005

**(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 8:32 AM, TUESDAY, AUGUST 23, 2005, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE, IDAHO. MEMBERS BILL BERNT, TRAVIS BULLOCK, AND RAY LYON WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, AND SECRETARY KIM WALLETT.

Review of Agenda and Consent Agenda: Director Howard reviewed the agenda with the Board. He stated that this agenda had been changed several times planning this meeting. He indicated that there had originally been three prospectuses to be reviewed but that at this time only one is being presented. The prospectus for Oxbow/Brownlee had only one applicant from an existing outfitter and this would be filled through an administrative amendment and Board involvement selecting the outfitters was not needed. The Director discussed the complexity of reviewing applications submitted in response to a prospectus for a Mountain Biking opportunity in the Sawtooth National Recreation Area (SNRA) and informed the Board that SNRA representatives could not attend the August Board meeting to participate in the review. He said that they could meet with the Board several times during September. Due to conflicting schedules of the Board, the need for an outfitter to be selected in a timely manner and the nature of the outfitter opportunity the Board instructed Director Howard to represent the Board during the review process involving the SNRA so that a recommendation for an outfitter to fill this opportunity could be made to them. They indicated that they would review the recommendation and would further advise the Director either by a conference call or at the next Board meeting in December.

MSC (MOTION BY BERNT, SECOND BY BULLOCK – UNANIMOUS) TO APPROVE CONSENT AGENDA.

Budget Review – Director Howard: Director Howard presented the final financial information with regard to fiscal year 2005. He also presented and reviewed the budget expenditures for fiscal year 2006 and explained that they are on track. Mr. Lyon indicated that he had reviewed the expenditure for this period and that they were appropriate. The Director presented the FY 2007 budget request and explained that it was a maintenance budget and that no additional funds were requested beyond those identified by the Governor’s office to offset increased personnel costs.

MSC (MOTION BY BERNT, SECONDED BY BULLOCK – UNANIMOUS) TO APPROVE THE FINANCIAL REPORT AS PRESENTED.

Probationary License Review – BJ Snooks, Enforcement Chief: Mr. Snooks presented the probationary license report for Board review. He indicated that he had changed the report per the Board's request and further explained the different terms on the report. The Board discussed the report and several probationary licenses.

MSC (MOTION BY BULLOCK, SECONDED BY BERNT – UNANIMOUS) TO ACCEPT THE PROBATIONARY REPORT AS PRESENTED.

Director's Report – Director Howard: Social Security numbers - Director Howard stated that he had spoken with outfitters and other licensing agency Directors regarding Social Security numbers appearing on licenses. He recommended that they be removed from the printed license as leaving them may result in a privacy issue if they remain. Director Howard also presented several letters that he wished to discuss with the Board. **Non-use Request for Pineland Outfitters -** The first was regarding a non-use request from Pineland Outfitters, Mr. Richard Fogal. He indicated that Mr. Fogal had requested non-use due to health reasons and after verification of this matter; Director Howard asked that the Board approve the request for non-use. Director Howard pointed out that Mr. Fogal had requested non-use two year ago and though he questioned Mr. Fogal's reasons for the non-use at that time, he had granted it. He said that he had just been hired as Director and did not fully understanding the ramifications of non-use but that today, he would not have granted it and instead he would have asked for the Board to review it. Based on their review of the earlier request for non-use by Mr. Fogal, the Board indicated that it was not a legitimate reason for non-use and that they would not have authorized it. Director Howard pointed out that Mr. Fogal lives in Georgia and appears to be having a hard time keeping a designated agent. He provided Pineland Outfitters use records and mentioned that over the past two years, that Mr. Fogal has made several attempts to sell this business. The Board concluded that Pineland's use was negligible and of concern to them. The Board gave direction to Mr. Howard to prepare a letter to Pineland Outfitters informing them that this may be the last year non-use will be granted without some significant and outstanding reasoning by Mr. Fogal and that they strongly encouraged Pineland Outfitters to hire a designated agent, sell the business or establish an appropriate amount of use within the next year. The Board discussed because Pineland Outfitters has a very limited number of allocated tags the business may not be near the price that Mr. Fogal believes that it may be worth and that may be the reason he is having trouble selling it. Director Howard said that he did not have any idea of what Mr. Fogal wanted for the business and that he seldom is aware of the asking price but that the Board may be correct in making this assumption. The Board suggested that Director Howard make Mr. Fogal aware of this. **Snake River Adventures Operating Areas -** Director Howard presented an e-mail that he had received from USFS, Slate Creek Ranger District with regard to the outfitter operating area of Snake River Adventures. The Slate Creek District e-mail stated that a Designated Agent with Snake River Adventures contacted them regarding operating on SA6. The e-mail stated that the Slate Creek Ranger District notified that representative that Snake River Adventures was not federally permitted on SA6 and that they could not operate. The Director pointed out that this is the third instance where Snake River Adventures operations and operating areas had been questioned in the last year. The other questions were regarding Snake River Adventures operation in the Hells Canyon primarily related to big game hunting. The Board directed Mr. Howard to audit Snake River Adventures federal permits, and any other land manager authorizations and bring the Snake River Adventures' license in sync. Director Howard indicated that he would work with the permitting agencies and would be in contact with Snake River

Adventures to do this. **Donated Guided Hunts** - Director Howard also presented a letter written by Board Counsel Steve Scanlin responding to a request regarding donated guided hunts by non-licensed entities. He told the Board that the office receives several requests like this each year and that the response continues to be that only licensed outfitters can donate guided hunts or other guide activities.

MSC (MOTION BY BULLOCK, SECOND BY BERNT – UNANIMOUS) TO REMOVE THE SOCIAL SECURITY NUMBER FROM THE LICENSE, BUT THAT IT STILL BE REQUIRED TO BE SUPPLIED TO THE OFFICE PER STATE LAW.

MSC (MOTION BY BULLOCK, SECOND BY BERNT – UNANIMOUS) TO GRANT NON-USE TO PINELAND OUTFITTERS.

Coast Guard Update – BJ Snooks: Mr. Snooks presented a Memo that he had given to Director Howard with regard to the proposal with the Coast Guard Project. He discussed with the Board that several of the original Coast Guard Representatives that he had been working with have moved on and been replaced. He is now working with new people within that agency. The Board discussed the proposal and asked Mr. Snooks to make changes to reflect a reduction in days necessary for training as well as other requirements requested by the Coast Guard. Note: a copy of the current proposal is attached to these minutes.

Recessed for lunch @ 12:11 PM and reconvened at 1:57 PM with members Bill Bernt, Travis Bullock and Ray Lyon present. Also present were Executive Director Jake Howard, Enforcement Chief BJ Snooks, and Secretary Kim Wallett.

Enforcement Report – BJ Snooks: Mr. Snooks provided information regarding covert cases that have been completed or are currently engaged throughout the State. He stated that most of the cases have been done in cooperation with Fish & Game Enforcement. He indicated that these cases were primarily for illegal outfitting and guiding although other matters were under investigation. He also gave the Board his report on currently open cases. He said that he still has 14 cases from 2004 that are being investigated as well as 47 cases from 2005 that are still being investigated.

Work Session – Use of Validated Training Forms – Fay Allen, Director Howard: Director Howard stated that he had asked Ms. Allen, who issues all licenses, to explain to the Board what has been happening with validated training forms. Ms. Allen told the Board that the validated training form process is delaying the issuance of licenses. She explained that validated training forms are only available to river based outfitters and that most outfitters do not use validated training forms but of those who do, several are requesting validated training forms for every river section for every guide that they license. Director Howard said that one outfitter alone generated approximately 200 validated form transactions in the licensing system. The Director said that this is a burden being placed on the licensing staff for only a few outfitters. Ms. Allen said in many instances validated training forms are being issued but are not being returned until the following license year or sometimes not at all.

Director Howard suggested a couple of possibilities may rectify the situation. He explained that validated training forms were initially used to help outfitters expedite the issuance of a guide

license when licenses were taking so long to issue but now that the licensing system has been fixed and that normally licenses are issued with 2 days, the validated training forms are no longer a solution but have now become the problem. He said that the most obvious solution would be to eliminate them. He said that charging a special processing fee for every validated training form requested might reduce the amount of validated training forms requested unnecessarily. He also said requiring all validated training forms be returned by the end of the current license year and limiting the number of validated training forms that could be requested would also help. He said options that would require additional staff time and/or cost and should be avoided. He said that he would simply prefer to eliminate this bottleneck. The Board directed Mr. Howard to prepare a letter to all river outfitters explaining the problems and asking for their input.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY BULLOCK, SECOND BY BERNT – LYON, BERNT, BULLOCK, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 3:39 PM TO DISCUSS LITIGATION MATTERS. MSC (MOTION BY BULLOCK, SECOND BY BERNT – LYON, BERNT, BULLOCK - YEA) AT 5:07 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Director Howard told the Board that the work session for 3:30 pm on Wednesday has been rescheduled for 3:30 PM on Thursday. This is to accommodate a switch for Horse Mountain Outfitters hearing to 2:15 PM on Wednesday.

Meeting recessed at 5:08 PM and reconvened at 8:42 AM, Wednesday, August 24, 2005, with Chairman Wayne Hunsucker, and members Bill Bernt, Travis Bullock, and Ray Lyon present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, and Secretary Kim Wallett.

DISCUSSION – UNIT 45 – GEORGE PETER: Also present were Dave Parrish & Randy Smith, IDFG; John Kurtz, BLM; and Grant Simonds, IOGA. Director Howard presented background information on this matter. Mr. Peter presented information with regard to his progress in finalizing an agreement with the landowner.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY LYON, SECOND BY BERNT – HUNSUCKER, LYON, BERNT, - YEA; BULLOCK - NO) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 9:15 AM TO DISCUSS CONTRACTUAL MATTERS. MSC (MOTION BY BULLOCK, SECOND BY LYON – LYON, HUNSUCKER, BULLOCK, BERNT - YEA) AT 10:25 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

MSC (MOTION BY BERNT, SECOND BY LYON – BERNT, LYON, HUNSUCKER – YEA; BULLOCK - NO) TO ACCEPT THE RECOMMENDATION PRESENTED BY DIRECTOR HOWARD AND INSTRUCT HIM TO PUT THIS IN WRITING AND WORK WITH MR. PETER AND THE LANDOWNER TO ESTABLISH THE PARAMETERS TO THE AGREEMENT. THE BLM & IDFG MUST AGREE TO THE FINAL PROPOSAL IN ORDER TO PROCEED WITH STIPULATION TO LICENSURE.

Work Session – Draft Policy Manual & Board Orientation Manual – Director Howard:

Director Howard presented the policy manual and the draft Board Orientation Manual for Board review. He indicated that the policies included were in final form but will continue to be updated as policies are added or changed. He said that he had found several mistakes in the index and on several documents that he would correct and that he would provide a corrected version to the Board at the next meeting. He advised the Board that the policies were meant to be clarification of Board rules and statutes or guidance to staff and that they were not enforceable as law like rules or statutes are. Director Howard also told the Board that the Orientation Manual was in draft form based on a manual provided from the Board of Occupation Licenses that he has modified and adapted for IOGLB use. He asked that the Board review both manuals before the December meeting and be prepared to discuss it at that time.

Guide License Appeal – Lee Sauer – BJ Snooks: Mr. Sauer appeared before the board via teleconference. Mr. Sauer is appealing the previous denial of his license application.

MSC (MOTION BY BULLOCK, SECOND BY BERNT - UNANIMOUS) TO GRANT THE LICENSE OF MR. SAUER.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY BULLOCK, SECOND BY LYON – HUNSUCKER, LYON, BERNT, BULLOCK - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 11:23 AM TO DISCUSS POSSIBLE LITIGATION. MSC (MOTION BY LYON, SECOND BY BERNT – LYON, HUNSUCKER, BULLOCK, BERNT - YEA) AT 11:57 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

Recessed for lunch @ 11:58 PM and reconvened at 1:15 PM with Chairman Wayne Hunsucker, and members Bill Bernt, Travis Bullock and Ray Lyon present. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, and Secretary Kim Wallett.

Stipulated Agreements – BJ Snooks: Mr. Snooks presented three stipulations that had been signed and agreed to by the licensees and Mr. Howard.

Mr. Mike Towler received a citation for hunting without a duck stamp. The stipulated agreement proposes a one-year probationary period and costs of the investigation in the amount of \$144.66 for this violation.

Mr. R Craig Opland received a citation for violating Fish & Game rule by fishing with a net. The stipulated agreement proposes a one-year probationary period and costs of the investigation in the amount of \$144.66.

Mr. Robert Hennefer received a citation for failure to provide a proxy statement. The stipulated agreement proposes a one-year probationary period and costs of the investigation in the amount of \$144.66.

MSC (MOTION BY BULLOCK, SECOND BY LYON – UNANIMOUS) TO ACCEPT THE STIPULATION AS PRESENTED FOR MR. TOWLER.

MSC (MOTION BY BERNT, SECOND BY BULLOCK – UNANIMOUS) TO ACCEPT THE STIPULATION AS PRESENTED FOR MR. OPLAND.

MSC (MOTION BY BULLOCK, SECOND BY BERNT– UNANIMOUS) TO ACCEPT THE STIPULATION AMENDED TO REFLECT COSTS ONLY AND NO PROBATION TERM FOR MR. HENNEFER.

Work Session – Citation and Complaint Process / Fine Schedule – BJ Snooks, Steve Tobiason: Mr. Snooks presented a flowchart that lined out the proposal for the citation and complaint process. He explained how each case is handled from the time of the original complaint to the completion of the investigation including a hearing if necessary. Along with the flowchart, Mr. Snooks gave the Board copies of the complaint form, the incident report, and a basic version of the investigation letter that he sends out for every case. He told the Board that all these documents are completed each time a complaint comes in. Mr. Snooks indicated that many of the complaints that he receives are concluded to be unfounded but the paperwork is completed in order to track the investigation.

Mr. Snooks also presented a proposed fine schedule that detailed minor violations and their level of severity. Board Member Bernt suggested that the lead boatman and life jacket items were more severe than the basic \$50 fine. He asked that those be moved to a higher level of offense. Mr. Snooks and Mr. Tobiason presented a draft Complaint Policy & Procedures document for the Board to review. They indicated that Mr. Steve Scanlin (Board Attorney) had previously reviewed this document and his comments were incorporated into a new version. Mr. Tobiason displayed the document on the overhead projector so that the Board could see the changes. Mr. Snooks and Mr. Tobiason explained that this policy was a more detailed and descriptive version of what Mr. Snooks had already presented with the flowchart.

MSC (MOTION BY BULLOCK, SECOND BY BERNT - UNANIMOUS) TO ACCEPT THE IOGLB FINE LIST PRESENTED BY MR. SNOOKS WITH AMENDMENTS AS DISCUSSED.

MSC (MOTION BY BERNT, SECOND BY BULLOCK – UNANIMOUS) TO ACCEPT THE MINOR FISH & GAME STIPULATION AGREEMENT FORM AS PRESENTED TO INCLUDE ACTUAL COSTS AND PROBATION TERMS.

MSC (MOTION BY BULLOCK, SECOND BY BERNT – UNANIMOUS) TO APPROVE THE COMPLAINT POLICY AS WRITTEN WITH THE REDLINE CHANGES.

Director Howard told the Board that the Hearing for Horse Mountain Outfitters has been rescheduled again due to the parties not being available on Wednesday. This has now been scheduled for 1:15 PM on Thursday, August 25, 2005.

Meeting recessed at 4:20 PM and reconvened at 8:13 AM, Thursday, August 25, 2005, with Chairman Wayne Hunsucker, and members Bill Bernt, Travis Bullock, and Ray Lyon present. Also present were Executive Director Jake Howard, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

PROSPECTUS – UNIT 6 & 7 BIG GAME – REVIEW & SELECTION: Also present were Mary Price & Chuck Mark, St. Joe Ranger District, USFS. Mary Price gave a brief overview of what the prospectus has outlined for this area and where the activities would be conducted. She indicated that this area had once been outfitted and the Forest Service was looking to put an outfitter in the area again.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY BULLOCK, SECOND BY BERNT – HUNSUCKER, BULLOCK, LYON, BERNT - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 8:58 AM TO DISCUSS APPLICATIONS. MSC (MOTION BY LYON, SECOND BY BERNT – HUNSUCKER, BULLOCK, LYON, BERNT - YEA) AT 9:25 AM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

MSC (MOTION BY BULLOCK, SECOND BY BERNT - UNANIMOUS) AFTER REVIEWING THE APPLICATIONS, THE BOARD DETERMINED THAT TOM LODER BE THE SELECTEE FOR THE SLATE CREEK AREA WITH THE CONDITION THAT MR. LODER NOT SELL THE BUSINESS IN THIS AREA FOR A PERIOD OF FIVE YEARS. THE LICENSING BOARD'S INTENT IS TO HAVE THESE TWO AREAS UNDER ONE LICENSE IN THE FUTURE. THE BOARD ALSO DETERMINED THAT RUSSELL POND OUTFITTERS BE THE SECOND SELECTEE AND BITTERROOT MOUNTAIN OUTFITTERS BE THE THIRD SELECTEE IN THE EVENT THAT TOM LODER IS UNABLE TO COMPLY WITH THESE CONDITIONS.

Recessed @ 9:45 AM and reconvened at 1:32 PM with Chairman Wayne Hunsucker, and members Travis Bullock and Ray Lyon present. Member Bill Bernt was not present for the afternoon session. Also present were Executive Director Jake Howard, Board Counsel Steve Scanlin, Technical Records Specialist Leanne Reincke, and Secretary Kim Wallett.

Executive Session: In accordance with the provisions of Sec. 67-2345, Idaho Code, MSC (MOTION BY LYON, SECOND BY BULLOCK – HUNSUCKER, BULLOCK, LYON, - YEA) TO MOVE THE BOARD INTO EXECUTIVE SESSION AT 1:32 PM TO DISCUSS LITIGATION MATTERS. MSC (MOTION BY BERNT, SECOND BY LYON – HUNSUCKER, BULLOCK, JUDGE, LYON, - YEA) AT 4:18 PM TO COME OUT OF EXECUTIVE SESSION WITH NO DECISIONS MADE.

HEARING – HORSE MOUNTAIN OUTFITTERS: Also present were Steve Tobiason, Board Enforcement Attorney; RP Musselman; BJ Snooks, Enforcement Chief; and Grant Simonds, IOGA Executive Director. Mr. Jeff Solomon appeared via teleconference. Mr. Tobiason, Mr. Musselman, and Mr. Solomon presented information with regard to the prior stipulation and the violations thereof. Mr. Solomon explained that he had forgotten to mail the payment once the check was made out in late June. Mr. Solomon indicated that he had spoken with Mr. Steve Zettel and there was a proposed agreement between them to service the clients. The Board directed Mr. Howard to work with the parties to fulfill this agreement to best of their abilities.

MSC (MOTION BY BULLOCK, SECOND BY LYON – UNANIMOUS) THE BOARD HEREBY ORDERS THAT THE COUNT AGAINST RICHARD PAUL MUSSELMAN BE

DISMISSED. THE BOARD FURTHER ORDERS THAT THE LICENSE OF HORSE MOUNTAIN OUTFITTERS, LLC BE ASSESSED THE COSTS OF BRINGING THE ACTION AND SHALL BE SUBJECT TO A SUCCESSFUL RESOLUTION OF NAMING A DESIGNATED AGENT AND OTHER ORGANIZATIONAL AND LICENSE PROCEDURAL ISSUES BY 5 P.M. MDT ON MONDAY AUGUST 29, 2005. IF THE NAMING OF A DESIGNATED AGENT AND OTHER ORGANIZATIONAL AND LICENSE PROCEDURAL ISSUES ARE NOT RESOLVED BY THAT TIME, THE BOARD EXECUTIVE DIRECTOR IS HEREBY GRANTED AUTHORITY AT HIS DISCRETION WITH THE CONCURRENCE OF THE BOARD CHAIRMAN, TO SUSPEND OR REVOKE THE LICENSE OF HORSE MOUNTAIN OUTFITTERS, LLC AND TO MAKE THE NECESSARY ARRANGEMENTS, IF POSSIBLE, FOR THEIR HUNTING CLIENTS TO BE SERVED BY OTHER OUTFITTERS, INCLUDING ASSIGNING ALL OR PORTIONS OF THE HORSE MOUNTAIN OUTFITTERS, LLC OPERATING AREA TO OTHER EXISTING OUTFITTERS IN ORDER TO SERVE THOSE CLIENTS.

With no further business to come before the Board, the meeting was adjourned at 4:14 PM, August 25, 2005.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, EXECUTIVE DIRECTOR