

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

**FINAL MINUTES**

**April 22, 2009**

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

**THE TELECONFERENCE MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:00 A.M. APRIL 22, 2009, IN THE BOARD ROOM, 1365 NORTH ORCHARD, ROOM 172, BOISE IDAHO. MEMBERS WAYNE HUNSUCKER, (CHAIRMAN) TOM LONG, LOUISE STARK, CHRIS KORELL, ALEX IRBY AND ROGER HALES, BOARD ATTORNEY WERE ON THE CONFERENCE CALL. PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD AND TERESA SAUCEDA, ACTING BOARD SECRETARY.**

**MSC (MOTION, LONG; SECOND, KORELL – AYES, STARK, HUNSUCKER, IRBY NAYES -- NONE) AT 8:00 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. TO DISCUSS WITH LEGAL COUNSEL ON POTENTIAL LITIGATION MATTERS. MSC (MOTION, LONG; SECOND, IRBY, AYES KORELL, STARK, HUNSUCKER; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 8:30 A.M. WITH NO DECISION MADE.**

**MSC (MOTION, LONG; SECOND, IRBY – AYES - STARK, HUNSUCKER, NAYES -- NONE) RECONSIDER MAY 20, 2008 BOARD DECISION INSTRUCTING DIRECTOR HOWARD AND BOARD ATTORNEY TO RESPOND TO JOHN CURNEY'S PUBLIC INFORMATION REQUEST AND ADVISE MR. CURNEY THAT USE REPORTS OF INDIVIDUAL OUTFITTERS ARE EXEMPT FROM PUBLIC DISCLOSURE UNDER THE RECORDS ACT AS PRIVATE INFORMATION BEARING ON THEIR FINANCIAL CONDITION UNDER IDAHO CODE SEC. 9-340C (8). INSTRUCT DIRECTOR HOWARD TO RELEASE USE INFORMATION BY OUTFITTER #1, #2, #3 AND SO FORTH TO JOHN CURNEY/BLACKDOG OUTFITTERS**

**Work Session Outfitter Tag Allocation** – Susan Knappek, License Clerk was present – The Board discussed a letter from Ken Smith received by IOGLB on April 2, 2009 regarding recalculation of outfitter controlled elk tags for 36A-2 the recalculation came about due to an overall reduction in the total number of tags in that area by the IDFG Commission. The Board Chairman said that Director Howard reviewed this matter and had provided a report to the Board. In doing this, he worked closely with Board members Chris Korrell and Louise Stark who was recently appointed to the Board. He suggested that the report be revised as a letter for his signature that responded to Mr. Smith's concern. After reviewing the report, the Board agreed.

One of Mr. Smith's concerns was the reduction was "phased in" by the FG Commission in 2008 and felt the calculations should be done using 2003 through 2007 use information. The staff provided the Board the appropriate recalculation of the factor formula using Historic use of Allocated Tags in Unit 36A-2. The Board determined that although the "phase in" was adopted in 2008; the reduction itself was implemented for the 2009 hunting season. Therefore, the recalculations needed to be based on the recent previous five years as mentioned in the Allocation Handbook which would for the five years of use including 2004 through 2008. The Board recognized that it is was important to point out that recalculations are done using actual use information and because actual use may change from year to year, it would be difficult to accurately recalculate a year earlier. They recognized that another reduction as part of this "phase in" is planned for 2010, which will result in an additional recalculation, and if there is no change in actual use, then next year the other outfitter with allocation in 36A-2 will lose a tag.

The staff also recalculated the factor formula including the "Parent" Hunt, and in both cases the distribution came out the same for this specific case. The Board did not come to any definite conclusion on the inclusion or exclusion of parent hunt use in recalculation. This remains to be an option as mentioned in the 2008 Allocation Manual and Board Member Stark suggested that clarification may be a good topic of discussion for a future meeting.

The Board determined that the Allocation Handbook clearly speaks to sales in section and confirmed that allocated tag use stays with the operating area and transfers to the buyer who receives credit for the seller's historic use. They confirmed that use of the factor formula is appropriate for recalculating a reduction of tags initiated by the Idaho Department of Fish and Game as stated in allocation manual section 3.0.3.

The Board determined language within section 5.0 of the Allocation Handbook states: "*When a recalculation is initiated by F&G Commission action, documented use by outfitters within the zone including clients that drew outside the Outfitter Allocation may be considered when approved by IOGLB and the F&G Commission.*" They determined that this section was not applicable due to this action not having been taken, and recognized that it would not have made a difference in the numbers if it had, and acknowledged that taking the action retroactively would be questionable practice. They discussed the need to clarify this policy, but took no immediate action.

The Director pointed out that a calculation or recalculation has not included Land Owner Appreciation (LAP) Tags use, and that this may need to be clarified in the Allocation Handbook. The Board discussed creating a formal allocation subcommittee to assist the Director and Board with future allocation matters.

**Emergency Outfitter License Suspension** – Director Howard reported that Chairman Hunsucker and he had learned at one of the annual outfitter coordination meetings recently, that Mike Richie Outfitters had allowed their operating permit with the USFS to expire, and as the result they had not held a federal permit since December 31, 2008.

He pointed out that while it is unusual for outfitters permits to lapse, occasionally, it happens due to the permitting agency not taking prompt action to renew the permit; however, the continuance of the permit is generally not at risk. In this instance, he learned that this came about as the result of the outfitter's unwillingness to sign the permit over matters he did not agree with, and that it appeared as the result of the subsequent interaction with the USFS a permit may not be issued. He said that staff had verified that this outfitter was continuing to advertise and appeared to be booking clients during this time. The Director explained the specific concern is with clients who may be booking and expecting services at some point in the future, and facing the prospects of an outfitter not being permitted and consequently, being unable to perform.

The Director explained that Idaho Code 36-2101 states: "The intent of legislation creating the Board is not to interfere with the right of the United States to manage the public lands under its control" and rarely does the Board or staff get involved in similar matters. He said that it appeared that several violations may have occurred and as the result, a formal complaint had been filed, and a hearing was set for June. He explained that an emergency suspension hearing had been scheduled to allow the Board to address this matter immediately, but after discussing it with the outfitter and the USFS late Friday afternoon, he felt the matter could be about to be resolved and decided to vacate the hearing. The Board advised the Director to formally make Mr. Richie aware of their concerns generally and allow him 14 days to resolve the matter. They allowed the Director the discretion to decide whether to move forward with the complaint and with the disciplinary hearing set for the June Board meeting.

**Non-Use for SA4A** – Director Howard brought up a request from Mike Richie dated April 9, 2009 for an appointment to meet with the Board regarding SA4A revocation at the August 2008 Board meeting. He said that Mike Richie's SA4A float activity was revoked by the Board. They reconsidered their action from an earlier meeting where they decided not to fill the SA4A openings. They felt that the industry might benefit by license opportunities from the limited salmon fishing opportunities and decided to take applications for that stretch.

**MSC (MOTION, LONG; SECOND, IRBY – AYES STARK, HUNSUCKER; NAYES -- NONE) TO REISSUE A SA4A POWERBOAT LICENSE TO RICHIE OUTFITTERS DEPENDANT UPON THEIR ABILITY TO OBTAIN A FEDERAL PERMIT, MAINTAIN AN APPROPRIATE LEVEL OF USE AND TO TAKE APPLICATIONS FOR OPENINGS ON SA4A PENDING CONCURRENCE WITH THE SALMON FIELD OFFICE, BLM AS PER THE IOGLB'S MOU WITH THE FEDERAL AGENCY.**

*With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 9:00 a.m., Wednesday April 22, 2009.*

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WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

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JAKE HOWARD, DIRECTOR