

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

**FINAL MINUTES**

**June 17- 18, 2009**

**(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 8:45 A.M. JUNE 17, 2009, AT THE IOGLB OFFICE AT 1365 N. ORCHARD BOISE, ID. MEMBERS WAYNE HUNSUCKER, (CHAIRMAN), LOUISE STARK, CHRIS KORELL, TOM LONG, AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD; OFFICE SUPERVISOR LORI THOMASON; BOARD ATTORNEY ROGER HALES; BOARD PROSECUTOR MIKE KANE**

The Board welcomed Louise Stark as the newest Board member. Director Howard gave a brief explanation of the agenda and how the day should progress.

**Bigfoot Outfitters Hearing** – Prosecutor Mike Kane explained that Bigfoot Outfitters failed to provide a bear hunt for client Roger Bradford and that Mr. Gilmore has signed a stipulation agreement to this effect to resolve the matter. Mr. Gilmore agreed pay to the Board \$1569.00 within thirty (30) days which the Board will forward to Mr. Bradford. Additionally, Mr. Gilmore agreed to reimburse the Board a total sum of \$3300.00 for investigation, prosecution and enforcement costs incurred by the Board. Half of the \$3300.00 must be paid within ninety (90) days of the Board accepting the Stipulation and Consent Agreement on June 17, with the remaining half of said to be paid within 180 days of that date. **MSC (MOTION, IRBY; SECOND, LONG – AYES - STARK, KORELL, HUNSUCKER; NAYES -- NONE) TO APPROVE THE STIPULATION AGREEMENT WITH BIGFOOT OUTFITTERS.**

**MSC (MOTION, LONG; SECOND, KORELL – AYES - IRBY, STARK, HUNSUCKER NAYES -- NONE) AT 9:05 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL RAMIFICATIONS OF AND LEGAL OPTIONS REGARDING PENDING OR LIKLEY LITIGATION WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1)(f), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION, LONG; SECOND, KORELL - AYES – IRBY, HUNSUCKER; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 10:00 A.M. WITH NO DECISION MADE.**

**MSC (MOTION, LONG; SECOND, KORELL – AYES - IRBY, STARK, HUNSUCKER NAYES -- NONE) AT 10:10 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1)(b), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION, LONG; SECOND, IRBY - AYES – IRBY, KORELL, HUNSUCKER; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 10:20 A.M. WITH NO DECISION MADE.**

**MSC (MOTION, STARK; SECOND, LONG – AYES - STARK, KORELL, HUNSUCKER; NAYES -- NONE) TO APPROVE AND ACCEPT THE EXECUTIVE DIRECTOR'S WORK PLAN AND REVIEW, THAT THE BOARD GIVES DIRECTOR HOWARD AN EXEMPLARY RATING ON HIS PERFORMANCE AND TO ACKNOWLEDGE THE GOOD WORKING RELATIONSHIP THAT THE EXECUTIVE DIRECTOR HAS WITH THE BOARD ATTORNEY.**

**Unit 20A Vacancy** – Director Howard explained that at their March 2009 meeting the Board had decided to revisit a prospectus from 2007 to fill vacated area in unit #20a. Director Howard explained that the two remaining finalists were contacted and they had indicated they would still be interested in the opportunity. Director Howard also provided correspondence from a former Board member who was instrumental in the 2007 action who explained that at the time the Board had concluded the area should be awarded to a neighboring outfitter as they felt it no longer was a standalone operation and he provided his insight on the two remaining finalist. Director Howard said this was based on size, terrain and accessibility. The Director explained that he had also contacted the USFS regarding the matter and they felt the area was not conducive to a standalone area for similar reasons as Mr. Farr. The Board discussed an existing overlap with this area with one of the applicants. Board member Stark explained that she had been contacted by another outfitter about applying and questioned whether the Board's earlier decision was fair. She explained that she was familiar with the area and felt it could not be a standalone operation but that it should be filled by an existing outfitter with an existing operation in the area. She stated that she felt it was best to reopen the unit 20a vacated area for prospectus and make it available to all interested parties knowing that it could not be realistically filled until 2010. The Board reviewed the rule regarding waiting lists and discussed an inconsistency between using a waiting list when an opening occurs or whether a prospectus was necessary when an area was vacated. There was discussion regarding additional agency costs and fairness to the earlier finalist. The Director said that if there was any doubt; reissuing the prospectus was the more appropriate alternative. The Board decided that the earlier finalist applications would be reconsidered and they would not have to reapply however they would be invited to update their applications. **MSC (MOTION, STARK; SECOND, KORELL – AYES – KORELL, IRBY, HUNSUCKER; NAYES -- NONE) TO OPEN AN AREA VACATED BY HIGH COUNTRY OUTFITTERS IN UNIT 20A FOR PROSPECTUS WITH NO LIMITATIONS ON APPLICANTS. (BOARD MEMBER ALEX IRBY WAS NOT PERSENT FOR DISCUSSION).**

**Director's Report - Mark Hewitt Guide Application** - The Director explained that by law he must automatically deny all applications with felony convictions. He had provided an analysis document explaining that Mr. Hewitt's guide license application, (Outfitter - UHS of Kootenai Rivers, Inc.), to be a Backpacking and Mountain Bike Touring guide was denied because he was convicted of a Felony in September 1990. IOGLB Enforcement had reviewed the license and in doing so had learned that Mr. Hewitt was convicted of IC 18-903 Aggravated Assault, resulting from an altercation at a beer party on his 20<sup>th</sup> birthday. It appeared that Mr. Hewitt has since demonstrated a strong desire to improve himself and his community through his completion of a Bachelors Degree in Social Science and his full-time employment as a social worker and counselor for at-risk youth. In the 19 years since his Felony conviction he has had 4 traffic citations, but no other accidents, DUI's, or problems could be found. Due to the time passed since his conviction, his education, having stayed out of trouble and the fact that he will use his guide license in the course of his work with at-risk youth, the Director recommend the Board reconsider his denial and approve Mr. Hewitt's license application submitted in March of 2009. **MSC (MOTION, LONG; SECOND, KORELL – AYES – STARK, HUNSUCKER; NAYES -- NONE) TO ACCEPT THE RECOMMENDATION FROM THE EXECUTIVE DIRECTOR TO ACCEPT THE GUIDE LICENSE APPLICATION FROM MARK HEWITT. (BOARD MEMBER ALEX IRBY WAS NOT PRESENT)**

**Director's report, cont - Executive Director Authorizations** – based on matters pointed out by the Board attorney Hales regarding the need to improve and streamline licensing processes, the Board

discussed that the Executive Director should have greater discretion in authorization of licenses where the applicant has a felony, or a conviction of a flagrant violation of IDFG rules for granting, denial and revocation of licenses. Board attorney Hales and Executive Director were directed to review and make recommendations to clarify IDAPA 25.01.01.64. **Personnel budget reduction** - the Director reported that the governor and legislature had directed that agency Directors cut 3% from agency 2010 personnel budget (salaries and benefits) and that that an additional 2% will go into effect for the FY 2011 budget bringing the total amounts to 5%. For FY 2010, IOGLB's total personnel budget is \$349,800. Three (3%) percent of this budget and the amount of the cut is \$10,494 for FY 2010. Approximately half of the \$10,494 (\$5,247) will be cut from the money budgeted for wages for temporary, part time staff in our enforcement division. There are not benefits provided to these employees. He simply will reduce to overall amount of that budget and will not spend it. The other half will be prorated among the 6 full time staff, so the highest paid employee will provide for the greatest savings in salary and benefits and the lowest paid employee the least amount of savings. This will be done through a furlough of two hours per pay period (at one hour per week) for 23 pay periods over the course of the next year. With respect to the cut for the 2011 budget, will simply follow the step course next year but with the higher percentage used in the formula. 2011 budget – the Director explained that due the revenues he would be preparing a maintenance budget to include only those increases required by the governor. **Fee increase** – the Director provided a recap of Board consideration and action concerning a fee increase at their June 2008 and their August 2008 meetings. At the August 2008 meeting the Director had presented projected expenditures, a stepped multiple year fee increase with correlating revenues and various affects on the agency's free fund balance. He explained that at the August meeting the Board had directed him to move forward with implementation of the increase and to begin the process with the Governor's Office, Legislature and the industry. He said since that date, he had presented the projected expenditures, revenues and their affect on the agency's free fund balance to former DFM Analysts, Maria Barrett and more recently to her successor Richard Budzich. An overview to the industry had been included in a newsletter in the fall of 2008 and following that the Board had discussed this matter with the IOGA Governmental Affairs Committee that their winter meeting in December 2008. The Director said there has appeared to be reasonable acceptance. He provided an updated fee increase schedule which provides for the increase going into effect in July 2010. He pointed out the earliest the fee can be implemented is July, 1 2010 and that it allows for revenue to be available for the 2011 fiscal year. He explained there is little flexibility beyond this date due to the potential of pushing the free fund account to a very low level. He said that in order to move forward, the matter needs to be formally presented to the Governor's Office by August 1. He said that with changes to the national economy and due to the nature of this matter he wanted to revisit the matter with the Board. The Board directed him to move forward with the initial proposal to the Governor's Office and that Board attorney Hales and he prepare needed statute and rule changes and that the Board take time in the July hearing to get updated so we might move forward expeditiously with the proposal to the Governor by August. The Board also discussed assigning two Board members to work with them who can help this overall concept move forward within the industry and legislatively.

**Global Non Use** – Director Howard said concerns regarding the unique economic circumstances the country is facing have surfaced within the outfitting industry. There has been mention of a global non-use waiver for the 2009 license year for all outfitters and for 2009 big game tag allocation. He has stated that he would bring this matter to the Board's attention. He also said that he discussed this matter with the Board Attorney and they found nothing in statute or rule that would allow the Board to issue a global non-use waiver. He provided an analysis and recommendation document to the Board which they had reviewed. In it, he explained that the rule is geared to address non-use on a case by case basis and that a non-use violation would be a disciplinary matter to be considered by the Board. He discussed several alternatives. He said that with non-use being a disciplinary matter, the Director has flexibility during the investigation to resolve the matter informally and the discretion when to file a complaint bringing this matter before the Board. In 2005 the Board placed non-use enforcement as a lower priority in the scheme of investigation and enforcement matters and it has been treated as such. With big game tag allocation there is no guidance in statute or rule and the Board must fall back on policy provided in the Allocation

Handbook. The Allocation Handbook includes a section for hardship that mirrors non use requirements and again the policy is geared to address non-use on a case by case basis. Largely, non-use or hardship waivers are issued when matters are beyond an individual outfitter's control such as fire or agency action that limits an individual outfitter's ability to operate. In the past, Global issues which affect the industry as a whole or a large number of outfitters have not been adequate justification. Wolves for an example and it would seem the economy would fall into this category; it is affecting everybody, including Board operations. Also, decisions to not operate for personal reasons that are within an outfitters control have not been justification. Finally, the issuance of a global non-use waiver could be problematic in the sense there maybe individuals with several years of non-use that the Board needs to address. With the free market approach involving allocated tags and with the completion for the tags, a global waiver for big game tag allocation would likely not sit well with outfitters using their tags and hoping for an increase following the next recalculation. He said that he did not know how this could be implemented without a great deal of effort and explanation. The Board agreed that the matter be discussed in a newsletter being prepared following the June meeting emphasizing the case by case scenario and explaining that both the Director and the Board have considerable discretion before any corrective action would be taken as the result of non-use. It would also emphasize that the Board and Director are aware of the current economic situation and that it would be considered.

**Board recessed for Lunch at 11:30 Board reconvened at 1:05 with all present listed above. Director Howard was excused to attend to a personal matter.**

**Consent Agenda** – The Board discussed the putting consent agenda items on IOGLB Website with the draft agenda. Director Howard was not present for the discussion. **MSC (MOTION, LONG; SECOND, IRBY – AYES – KORELL, STARK, HUNSUCKER; NAYES -- NONE) TO ACCEPT THE CONSENT AGENDA. WITH THE EXCEPTION THAT CORRECTION OF UNIT 20A BE REOPENED TO A PROSECTUS.**

**Financial Report** – The Board reviewed the Director's written report and discussed related matters with Office Supervisor Thomason. Director Howard was not present for the discussion. **MSC (MOTION, LONG; SECOND, KORELL – AYES – STARK, IRBY, HUNSUCKER; NAYES -- NONE) TO ACCEPT THE FINANCIAL REPORT.**

**Hearing - Deferral, Sandy Podsaid Guide License; Scott Boulanger, Outfitter** - Present Board Members listed above; Board Prosecutor Mike Kane, Board Attorney Roger Hales. The Hearing was convened upon Mr. Podsaid's guide application at 1:30 p.m. pursuant to the Notice provided to him and his attorney Susan Weeks. Board Prosecutor Mike Kane presented the case involving Mr. Podsaid's application. Mr. Kane further introduced certain documents which were made exhibits in the proceeding. Mr. Podsaid and Mr. Boulanger did not appear.

**MSC (MOTION, LONG; SECOND, KORELL – AYES - IRBY, STARK, HUNSUCKER NAYES -- NONE) AT 2:20 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL RAMIFICATIONS AND OPTIONS CONCERNING PENDING OR LIKELY LITIGATIONS WITH THE BOARD ATTORNEY, ROGER HALES IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1)(f), IDAHO CODE. MSC (MOTION, LONG; SECOND, IRBY - AYES – STARK, KORELL, HUNSUCKER; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 3:05 P.M. WITH NO DECISION MADE.**

**MSC (MOTION) THAT THE BOARD APROVES SANDY PODSAID'S GUIDE APPLICATION WITH THE FOLLOWING RESTRICTIONS**

- 1. HE SHALL NOT HAVE ANY DIRECT OR INDIRECT ADVERTSISING FOR HIMSELF OR ANY OTHER PARTY.**

2. **THE BOARD VIEW THE APPLICATION AS A NEW APPLICATION, BUT EVEN IF IT IS A RENEWAL THEN THESE RESTRICTIONS STILL APPLY**
3. **ISSUE A 5 YEAR PROBATIONARY LICENSE**
4. **CANNOT AMEND LICENSE TO GUIDE FOR ANY OTHER OUTFITTER**
5. **CANNOT ATTEND ANY FUNCTIONS SUCH AS TRADE SHOWS WHERE ADVERTISING COULD TAKE PLACE OR ADVERTISE FOR CURRENT OUTFITTER.**

**MSC (MOTION, LONG; SECOND, IRBY) – AYES – LONG; NAYES: STARK, IRBY, HUNSUCKER; (MOTION FAILED)**

**MSC (MOTION, LONG; SECOND) “MOVED TO DENY THE NEW GUIDE APPLICATION FOR SANDY PODSAID BASED UPON HIS MISLEADING ADVERTISING IN VIOLATION OF THE BOARD’S LAWS AND RULES AS ESTABLISHED BY THE RECORD OF THE HEARING BEFORE THE BOARD ON JUNE 17, 2009, AND FURTHER BASED UPON HIS PRIOR DISCIPLINE BY THE BOARD AND FINALLY BASED UPON THE TERMS OF THE SETTLEMENT AGREEMENT BETWEEN MR. PODSAID AND THE BOARD DATED AUGUST 10, 2007.**

**MSC (MOTION, LONG; SECOND, KORELL) – AYES – STARK, IRBY, HUNSUCKER; NAYES -- NONE) TO DENY SANDY PODSAID’S GUIDE LICENSE APPLICATION.**

**Licensing Guide Schools** – The Board discussed whether guide schools should be licensed activities. Director Howard pointed out that former Board Attorney Scanlin had prepared an opinion on the matter indicating that they were but action had not been taken to further clarify the requirement. The Board asked the Board Attorney Hales and Director Howard to look into preparing a recommendation to including a guide school requirement in rule. Director Howard pointed out that they had already begun reviewing rules along with Enforcement Supervisor Beale and were preparing to approach the Board with several suggested changes later this year and the guide school requirement was among them.

**Letter from Jon Barker** – Director Howard provided the Board a letter from Jon Barker. doing business as Barker Trophy Hunts concerning Don Vogel, Vogel Outdoor Adventures and his concern over the distribution the allocated tags and regarding other matters. The Director briefly explained the overall matter to the Board. The Board discussed the urgency due to the availability of the allocated tags and determined that the Board Chairman and Board member Irby who were already a subcommittee dealing with Hells Canyon and Lower Salmon issues should review the matter and determine how to move forward.

**Chairman Hunsucker recessed the meeting at 4:05 P.M. June 18, 2009.**

**THE RECONVENED MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:45 A.M. JUNE 18, 2009, AT THE IOGLB OFFICE AT 1365 N. ORCHARD BOISE, ID. MEMBERS WAYNE HUNSUCKER, (CHAIRMAN), LOUISE STARK, CHRIS KORELL, TOM LONG, AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD; OFFICE SUPERVISOR LORI THOMASON; BOARD ATTORNEY ROGER HALES.**

The Board welcomed Mr. Richard Budzich, Senior Financial Analyst, DFM. Director Howard explained the agenda had been modified and summarized several matters in which Mr. Budzich had interest.

**Non Use Review Rivers, Lakes, and Reservoirs** - Director Howard provided a report that was requested that at the Board’s December 2008 meeting where the Board directed Board members Korell and Long to

work with the Director to prepare a report for the last three years of outfitted non-use for all rivers, lakes and reservoirs. The Director said the report and the recommendation in it is following IDAPA 25.01.01.024 - Standard for Non Use and IDAPA 25.01.01.059 - River, Lake and Reservoir Power and Float Boat Limits. .

He explained that "Notice of Use" letters will be sent to those outfitters in "Zero Use" or significant "Negligible Use" situations and where Board members Korell, Long and he believe action was needed. These outfitters will be given an opportunity to clarify use by providing actual use information that is substantiated by providing client names, addresses and phone numbers. Continued concern will then require a decision by Board members Long, Korell and the Director in early August to determine the non-use hearings that need to be scheduled for the September Board meeting. The outfitters on list were given the opportunity to relinquish the river section, lake or reservoir in question. He said depending on the response to the notification and the number of hearings held it may take several months to completely address these matters. **MSC (MOTION, LONG; SECOND, IRBY – AYES – STARK, KORELL, HUNSUCKER; NAYES -- NONE) TO ACCEPT THE NON USE RECOMMENDATION AND TO MOVE FORWARD WITH CONTACTING OUTFITTERS THROUGH THE NON-USE LETTERS.**

**Availability Of Rivers Lakes And Reservoirs - Waiting List** - Director Howard explained that IDAPA 25.01.01.59 sets limits on rivers, lakes and reservoirs and that the limits set in this rule do not mean these river sections, lakes and reservoirs are immediately available license opportunities and available to first come first serve applicants but rather it was the total number of boating licenses that could be issued on each. He mentioned that the rule also states other rivers or streams are not listed in the rule shall be closed to commercial boating by outfitters and guides. Additionally, Idaho code requires licensure for fishing on lakes and reservoirs whether in a boat or walk and wade.

He explained that IDAPA 25.01.01.030 - Outfitter Waiting Lists which was put into effect in 2006 needs to be fully implemented. Board rule 30 states "the Board shall determine the availability of operating areas for relicensing by the beginning of each license year." The rules also states: "when there are more outfitter applications for an outfitter operating area than the maximum number of licenses allowing such activity, or when an individual wishes to be considered in an area to which another outfitter has historically been licensed, the Board shall maintain a list of such individuals for notification of an available opening. If there is no waiting list for an area, the Board may proceed with the license application or may employ a competitive application process." It has become problematic in that the IOGLB is receiving an increasing number of unsolicited applications for boating on the rivers, walk and wade fishing on various rivers, streams, lake and reservoirs and fishing on lake and reservoirs. The agency does not have the staff resources to do the analysis to keep up with the applications.

He provided the following recommendation to establish which rivers, lake and reservoirs are available for unsolicited applications where analysis is not immediately needed. All other lake, streams, rivers and reservoirs requires analysis and a prospectus: The following rivers and lakes that would be available are: SN 2, SN 3, SN 4, SN 5, SN 6, SN 7, SN 8, SN 9, SN 10, SN11, BL2, CF1, NFCL, PR1, SA4A, PO1, PR1, American Falls Reservoir, Anderson Ranch Reservoir, Blackfoot Reservoir, CJ Strike Reservoir, Palisades Reservoir, Magic Reservoir, Mormon Reservoir. All other rivers, lakes, and reservoirs require analysis and are filled through prospectus at the direction of the Board. The Director explained that to his knowledge the following rivers have historically been non-outfitted: South Fork of the Boise River, Middle Fork of the Payette River, the Little Salmon River, the South Fork Salmon River, the South Fork of the Clearwater River, and the Bear River. He explained there has never been an exact list kept and that there may be other rivers, lakes or reservoirs that might be included based on the analysis. **MSC (MOTION, LONG; SECOND, KORELL – AYES, STARK, IRBY, HUNSUCKER; NAYES -- NONE) TO ACCEPT THE WAITING LIST / RIVERS LAKES AND RESERVOIRS AVAILABILITY REORT AND RECOMMENDATION.**

**SS1 - Snake River/South Fork - Palisades Dam to Confluence with Henry's Fork -** The Board reviewed outfitter use on this river section and other matters. **MSC (MOTION, IRBY; SECOND, LONG – AYES – STARK, KORELL, HUNSUCKER; NAYES -- NONE) THE BOARD ENCOURAGES THE BLM AND USFS TO FINISH THEIR CAPACITY ANALYSIS OF THE SS1 AND THAT THE BOARD IS PREPARED TO WORK WITH THEM TO PROMULGATE RULES TO ADDRESS ISSUES ON THAT RIVER.**

**Director's Report cont - Private Lands Policy update** – Grant Simonds, Executive Director IOGA, Jeff Knetter, Upland Game, Waterfowl Biologist, IDFG and Lance Hebdon from the Directors Office, IDFG were in attendance.

The Director gave the Board an overview of matters regarding private land applications that he, the Chairman and Board Member Irby, Board Attorney Hales had been working on with Grant Simonds, IOGA Executive Director and IDFG Deputy Director, Virgil Moore and several IDFG staff working for Virgil. He mentioned that Mr. Moore was not able to attend the meeting and Mr. Knetter and Hebron were there representing him.

As the result, three policies have been completed which he was providing for the Board's review and comment. The first two (2025 and 2026) are still in final draft form and the third (2027) was being presented for adoption. He mentioned that Mr. Moore had been quite responsive and had helped move this matter forward so that within IDFG the issues confronting IOGLB could be more readily understood and accepted. He also mention that Mr. Simonds has also been involved extensively and has been very helpful in clarifying deficiencies in processes provided in policies 2025 and 2026. He said that he hopes to ask the Board to adopt these policies at their September meeting. Board Attorney Hales added that as the result of the work done to develop these policies several statutory and rule sections surfaced that may need to be reviewed and updated. He said in that these are some matters that the Director, Enforcement Chief Beale and he will be working on as discussed earlier in the meeting.

The Director explained that policy 2027 sets in motion a effort to address long standing matters dealing with outfitted waterfowl, upland game and turkey hunting using the framework being established in the first two policies but that on a broader sense and more significantly, these policies will allow the IOGLB and IDFG and the Commission to communicate more effectively and be more businesslike in addressing various matters involving private land license applications and in such a way that Board decisions are clear, and relative to overall provision of service and the capabilities of the resource where the services are provided. He summarized that these policies are intended to improve the evaluation of license applications and substantiate the need for such services which together will serve to develop a clear record of the decision. Board Attorney Hales added maintaining a clear record of the decision affecting private land owners is critical.

The Board Chairman mentioned that he believes that concerns associated with private land use are largely due to concern over the loss of public access. He said that an objective assessment is needed to better identify the number of situations where access private lands use is being minimized by outfitters or by private hunting clubs or groups or individuals who are leasing land or entering into restrictive agreements. He said that generally everyone seems supportive of private land owners making decisions to restrict use with minimal interference or to use their lands however they want, but he feels that a better understanding of this overall impact on public access is needed before limits are imposed on outfitters who he believes provide some measure of public opportunity and access to private lands. There was also discussion on land owner's use of Land Owner Appreciation tags and the implications of commercialization of these tags. Director Howard mentioned that he was aware from conversation that he had with IDFG Deputy Director Moore that the Dept was reviewing the LAP program but that he did not know the specifics or their time frame.

The Director mentioned a tentative Board/FG Commission meeting on the July 22 in McCall. The Director said that it was unlikely policies 2025 and 2026 could be completed by then, that the Board would have just completed a multiple hearing scheduled the week before the Commission meeting and there may not be time to adequately prepare for the Commission meeting. The Director suggested that the Chairman, Board Member Irby and he update the FG Commission rather than the entire Board participate in a joint Board/Commission meeting on the July 22 date. The Board discussed the November 18 FG Commission meeting as being better for them as well as for the completion of these policies. There was discussion that there may be related matters to these policies and other shared activities that may surface for discussion at that meeting. Director Howard said he would discuss this with IDFG Deputy Director Virgil Moore. **MSC (MOTION, IRBY; SECOND, STARK – AYES – LONG, KORELL, HUNSUCKER; NAYES - NONE) TO ADOPT THE TEMPORARY MORATORIUM POLICY NUMBER 2027 ON WATERFOWL, UPLAND GAME, TURKEY.**

**Outfitted Waterfowl Hunting Areas -** The Director explained that in working on the private land matters, the Policy 2027 and with IDFG to digitize all outfitter operating area maps in the state, it has surfaced that the operating areas and maps of some of outfitters licensed to provide waterfowl hunting in Idaho need clarification. He explained that it would be appropriate for the Board to determine where these outfitters have been historically permitted in order to address the possibility of uninformed expansion. The Board decided to ask for documentation that these permits and agreements have been in historically place. The Board intends to review this matter at their September meeting and determine if further action is needed. **MSC (MOTION, LONG; SECOND, IRBY – AYES – STARK, KORELL, HUNSUCKER; NAYES -- NONE) REQUIRE THE WATERFOWL OUTFITTERS BE ASKED TO CLARIFY THEIR PERMITTED AND LICENSED OPERATING AREAS.**

**Board Training - Bill Von Tagen, Deputy Attorney General** – Mr. Von Tagen made an excellent presentation of ethics in government and open meeting law to the Board. He updated the Board on some recent changes in the 2009 legislature. He provided brochures prepared by the Attorney General’s office on these subjects.

Recessed for lunch at 12:00 reconvened at 1:30 with all mentioned above

**Lower Salmon Units 11 and 13 -** Joe O’Neill with the Cottonwood Management Area, BLM gave an overview of the BLM’s preliminary resource management plan for land based outfitting in Unit 11 and 13 He explained that they are looking at lands that maybe available in the future however, until the plan is approved the BLM is still analyzing the possibilities. Access to and activities compatible to adjoining private lands are two of a number of matters being consider. Mr. O’Neill invited the Board on trip coordinated by the BLM on the lower section of the Salmon River where the Board could view parts of these units. The Board identified times they might be able to participate and asked the Director coordinate final arrangements.

Grant Simonds , Executive Director from IOGA, brought up the issue of allocated tags with the recession being the worst since WWII how many allocated tags were turned back in May and then how many were used in August and with this information excluding 2009 in the recalculation. The economic situation may be a case for hardship to make a connection the word hardship and extraordinary circumstances due to the economy. The IOGA survey shows that some outfitters are down by 30% to 50%. The Board explained that this matter had been discussed earlier and Director Howard reviewed some of the considerations that were discussed and what was planned.

**Hearing - Deferral, Outfitter License Denial for Richard Waltz -** On December 23, 2008, OGLB received an application from Richard E. Waltz to be licensed as an Outfitter and Designated Agent for Rimrock Outfitters, LLC. While doing an Idaho Fish and Game check along with an Arrest History through the Idaho State Police the staff learned of a number of convictions of law by Mr. Waltz and it

appeared that Mr. Waltz may have falsified his Designated Agent application by indicating he had NEVER been convicted of an F&G violation. As a result, the Director had deferred Mr. Waltz's license to the Board for their consideration. The Hearing on Mr. Waltz's license application was convened and Mr. Waltz was sworn in and presented his application and answered questions from the Board Members. The Board was provided a summary of Mr. Waltz criminal history. The hearing was then closed. **MSC (MOTION, LONG; SECOND, STARK- AYES - IRBY, KORELL, HUNSUCKER NAYES -- NONE) AT 4:00 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL RAMIFICATIONS AND OPTIONS IN PENDING OR LIKELY LITIGATION WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1)(f), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION, LONG; SECOND, IRBY - AYES- STARK, KORELL, HUNSUCKER; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 4:20 P.M. WITH NO DECISION MADE.**

**MSC (MOTION, LONG; SECOND, IRBY - AYES - STARK, KORELL, HUNSUCKER; NAYES -- NONE) TO APPROVE THE OUTFITTER APPLICATION AS RIMROCK OUTFITTERS, LLC. AND THAT THE LICENSE BE ISSUED WITH 2 YEAR STANDARD PROBATION. MR WALTZ MUST TAKE AND PASSTHE OUTFITTER EXAM**

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 4:30 p.m., Thursday June 18, 2009.

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WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

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JAKE HOWARD, DIRECTOR