

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

FINAL MINUTES

November 19, 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 8:35 A.M. NOVEMBER 19, 2009, IN THE MEETING ROOM, AT THE COEUR D'ALENE RESORT COEUR D'ALENE, IDAHO. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), LOUISE STARK, ALEX IRBY, AND CHRIS KORELL WERE IN ATTENDANCE. TOM LONG WAS NOT PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD AND BOARD SECRETARY LORI THOMASON, PAT BEALE EDUCATION AND ENFORCEMENT CHIEF, ROGER HALES BOARD ATTORNEY

Directors Report - IOGA – The Director provided a status report on updating the MOU between the USFS, BLM, and IOGLB. He explained that a meeting took place in September involving representatives of the three agencies and after a review of the MOU it was determined that a couple minor clarifications were needed. Director Howard asked that the Board take this MOU under advisement, acknowledge that the BLM and Forest Service are moving forward with signatures and in order that formal approval can be taken at a forthcoming meeting. The Board agreed.

The Director also provided a letter from the USFS addressed to Board Member, Tom Long regarding a recent a discussion about non-profit organization exemptions; matters related to non-profit organization providing similar services to licensed outfitters without the same level of safety measures required in their permits. This overall matter was discussed by the Board.

MSC (MOTION, IRBY; SECOND, STARK – AYES KORELL HUNSUCKER; NAYES -- NONE) MOTION THAT THE DIRECTOR PUT TOGETHER A PROCESS TO ANALYZE THE NON PROFIT ORGINATZTIONS LICENSURE AND EXEMPTIONS AND TO BRING BACK A RECOMMENDATION TO THE BOARD AT A LATER DATE.

MSC (MOTION, STARK; SECOND, IRBY – AYES HUNSUCKER, KORELL; NAYES -- NONE) MOTION TO PREPARE AND FINALIZE THE FOREST SERVICE AND BLM MOU AND ACKNOWLEDGE ALL THE PARTICIPANTS

INVOLVED. HAVE THE MOU READY FOR SIGNATURES AND FINALIZATION AT A FUTURE BOARD MEETING.

Correspondence from John Curney and Black dog Outfitter – The Board discussed several matters of concern expressed in a letter from John Curney and Darren Puetz Black dog Outfitter. There were several issues. 1) The use of float boats used as power boats on the South Fork with a kicker motor. 2) An outfitter holding more than one license on river. 3) The appeal filed by the Board. 4) An alleged transfer of license between Henry Fork Outfitter and South Fork Outfitters about eight years ago allowing the two businesses to merge as one.

MSC (MOTION, IRBY; SECOND, KORELL – AYES HUNSUCKER, STARK; NAYES -- NONE) TO DIRECTO STAFF TO GATHER THE DOCUMENTATION RELATED TO THE ALLEGED TRANSFER ISSUE AND TO BRING THAT TO THE DECEMBER BOARD MEETINGPERTAINING TO THE TWO BUSINESS SOUTH FORK OUTFITTERS AND HENRYS FORK OUTFITTERS

MSC (MOTION, KORELL; SECOND, IRBY – AYES STARK, HUNSUCKER; NAYES -- NONE) BOARD DIRECT STAFF TO SUMMARIZE THE USE ISSUE ASSOCIATED WITH THE TETON RIVER TO BE REVIEWED AT THE DECEMBER BOARD MEETING.

MSC (MOTION, KORELL; SECOND, IRBY – AYES HUNSUCKER, STARK; NAYES -- NONE) TO TABLE THE ISSUE ON FLOAT BOATS WITH KICKER MOTORS UNTIL THE NEEDS AND RESOURCE CAPACITY STUDY IS COMPLETE

MSC (MOTION, IRBY; SECOND, KORELL – AYES STARK, HUNSUCKERGIBBS NAYES -- NONE) AT 9:20 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE, TO DISCUSS LITIGATIONMATTERS WITH THE BOARD ATTORNEY. MSC (MOTION, STARK; SECOND, IRBY, AYES NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 9:30 A.M. WITH NO DECISION MADE.

Idaho Fish and Game Commission Meeting - Board participated in a combined meeting with IDFG Commission to discuss policies 2025 - Outfitting on State and Private Lands, 2026 - Public Need/capacity Assessment Framework, 2027 - Moratorium on Outfitted Waterfowl, Upland Game and Turkey Hunting.

Joint Board Meeting Idaho Outfitters and Guides Licensing Board with Idaho Fish and Game Commission

Idaho Outfitters and Guides Licensing Board members present: Wayne Hunsucker, Board Chairman, Tom Long, Alex Irby, Chris Korell, Louise Stark. IOGLB Staff

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present: Jake Howard, Executive Director, and Lori Thomason, Office Supervisor. Pat Beale, Education and Enforcement Supervisor and Roger Hales, Board Attorney were also introduced.

Deputy Director Moore explained that as a state agency the IOGLB is responsible for the administration of outfitter and guide licensing including the assignment of operating areas and activities such as big game hunting, or turkey, and waterfowl hunting. He said that their responsibilities also include non-consumptive activities such as boating, trail rides and snowmobiling. He said that IOGLB is a small agency with very limited financial and staff resources and that there is discussion in IOGLB's statutes that discuss cooperating with state and federal agencies. As such, IDFG has always assisted them with the analysis of consumptive activities such those mentioned above. He explained the Idaho Fish and Game Commission and the Idaho Outfitters and Guides License Board entered into a MOU in January, 2008 to work on common issues related to coordination of outfitter and guide administration in Idaho. The MOU called for both to work on issues related to:

- Needs Assessment Process for Licensing Outfitters
- Outfitting on Privately Held Lands or Waters
- Outfitted Waterfowl, Upland Game Bird and Turkey Hunting

Over the last year numerous work sessions with IDFG, IOGLB Executive Director Howard, Board members Hunsucker and Irby and IOGA have resulted in matters for review and action.

Deputy Director Moore explained that an informal moratorium was established in 1992 with IOGLB limiting outfitted Waterfowl, Upland Game Bird and later Turkey Hunting and that more recently, the Commission had express their opposition to licensing these activities. He said that as a result work sessions, IDFG recognizes that due to the increased interest in these activities and due to Idaho's administrative decision making requirement in state law, a more comprehensive approach was needed so IOGLB can appropriately address these matters.

IOGLB Director Howard explained that the IOGLB has taken action to establish a temporary Moratorium on Outfitted Waterfowl, Upland Game Bird and Turkey Hunting, (IOGLB Policy Number: 2027). He provided an IOGLB Analysis and Recommendation Document identifying a collaborative process to be implemented with sportsman's groups, outfitters and landowners to focus on finding common ground for resolution of concerns and enabling the IOGLB to determination with how to move forward with related matters. A process and time line for this action was reviewed and discussed by the Commission and Board. The board would like to have a conclusion by September 2010.

Director Howard said that IOGLB has interacted with IDFG and IOGA resulting in draft policies on Outfitting on State or Private Lands (IOGLB Policy Number: 2025) and Public Need/Capacity Assessment Framework (IOGLB Policy Number: 2026) for IOGLB and that they were being provide consideration of both bodies and approval of

the Board. He said the policies summarize below clarify related legal requirements and provide both agencies processes where clear and consistent analysis can be completed that is necessary for the Board to make appropriate decisions.

Outfitting on State or Private Lands (IOGLB Policy Number: 2025) - This document has been prepared to clarify procedures and protocol and to provide guidance for the Board's staff and other agencies in providing information or recommendations to the Board regarding outfitting on private lands or public lands or waters where outfitter operations are not federally administered and on lands where little external resource analysis exists relative to denials or setting limits or restrictions on outfitter licenses such as on private lands or waters.

Public Need/Capacity Assessment Framework (IOGLB Policy Number: 2026) - This document has been prepared to clarify procedures and protocol for use by IOGLB staff (staff) and other agencies in providing information and recommendation to the Idaho Outfitters and Guides Board (Board) relative to public need, capacity analysis and allocation of resources and to establish a record for Board decisions. It is intended to supplement policy 2025 – Outfitting on State and Private Lands.

Chairman Hunsuckerr recessed the meeting for lunch break at 12:00 p.m. and reconvened at 1:45 p.m. with all listed above present.

Michael Cordon Adventure Guide Services use hearings- Attorney James Raeon presented testimony that his client Mr. Cordon's business has been down. Mr. Cordon purchased his business three years ago and is trying to get his use to increase. Jeff Smith a licensed guide testified that he feels the use reported to the Board by outfitters on Lake Pond Oreille is higher than they should be. Michael Cordon explained the user day error, and asked that amended use reports be entered in as exhibits for Lake Pend Oreille.

Tom Loder Pan Handle Outfitters Hearing - Kootenai River, CL3, MOI, Mr. Loder submitted numerous exhibits to the Board. Mr. Loder gave testimony as to his efforts in trying to increase his business. He explained that he has marketed the three rivers in question but that there has been limited interest in fly fishing which is his specialty.

MSC (MOTION, STARK; SECOND, IRBY – AYES KORELL, HUNSUCKER, NAYES -- NONE) AT 3:30 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, IDAHO CODE. TO DISCUSS LITIGATION WITH BOARD ATTORNEY. MSC (MOTION, STARK; SECOND, IRBY, AYES, KORELL, HUNSUCKER; NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 3:46 A.M. WITH NO DECISION MADE

MSC (MOTION, IRBY; SECOND, STARK – AYES HUNSUCKER, KORELL; NAYES -- NONE) TO DISMISS THE COMPLAINT AGAINST TOM LODER AND A WARNING LETTER BE PREPARED AND THAT THE BOARD REVIEW AT A FORTHCOMING MEETING.

Mike Luther Hearing – Did not appear before the Board. At 4:10 the board closed the hearing.

MSC (MOTION, IRBY; SECOND, STARK – AYES HUNSUCKER, KORELL; NAYES -- NONE) THE BOARD FOUND MIKE LUTHER HAD BEEN IN DEFAULT AND DIRECTED COUNSEL TO PREPARE AN ORDER REVOKING HIS ACTIVITY AS SET FORTH IN THE COMPLAINT.

MSC (MOTION, KORELL; SECOND, IRBY – AYES HUNSUCKER, STARK; NAYES -- NONE) TO REJECT THE BLACKDOG OFFER AND TO CONTINUE THE APPEAL TO OBTAIN ATTORNEY FEES.

MSC (MOTION, KORELL; SECOND, IRBY – AYES HUNSUCKER, STARK; NAYES -- NONE) TO DISMISS THE COMPLAINT ON MICHAEL CORDON AND TO ISSUE A WARNING LETTER.

MSC (MOTION, KORELL; SECOND, IRBY – AYES HUNSUCKER, STARK; NAYES -- NONE) TO DISMISS THE COMPLAINT ON MR. BRYAN MILLER CLEARWATER FISHING COMPANY BASED ON THE CHAIRMAN'S REVIEW.

In response to his written request, the Board agreed to allow.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 4:15 p.m., Thursday November 19, 2009.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, DIRECTOR