

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

FINAL MINUTES

March 18 and 19, 2010

**(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 8:30 A.M. March 18, 2010, MEMBERS WAYNE HUNSUCKER, (CHAIRMAN), LOUISE STARK, CHRIS KORELL, AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD; OFFICE SUPERVISOR LORI THOMASON; BOARD ATTORNEY ROGER HALES; EDUCATION & ENFORCEMENT CHIEF PAT BEALE

Operational Adjustment Hearing – Present at this hearing was Ray Cox, Trout Creek Outfitters; Joseph Peterson, Flying B Ranch; Edd Woslum, Yellow Wolf Ranch; Jim Zubillaga, C4 Ranch; Tim Craig, Boulder Creek Outfitters; and Brad Compton IDFG.

Director Howard explained that in recent months, the questions over the number of big game hunting outfitters licensed or requesting licensure in unit 14 on private land had surfaced and given cause for him to defer two new applications to the Board in this area. Director Howard explained that the Board has been working on policies to improve licensing processes for outfitter applications on private lands. He also said that the Board has reviewed, but has not yet approved draft *Policy 2025 - Outfitting on State or Private Lands* which summarizes requirements and protocol and draft *Policy 2026 - Public Need/Capacity Assessment Framework* that clarifies the specific procedures to be used. This will be the first time the Board will use draft policies 2025 and 2026 in a practical application, first to review existing licenses in a given area, and then to review any new applications. Therefore, an operational adjustment hearing has been scheduled so the Board might decide whether there was need to clarify or adjust the current operating area boundaries of the existing big game hunting outfitters licensed in Unit 14. The Director also explained that the applications Mr. Zubillaga and Mr. Cox had submitted were being brought before the Board, so the Board could consider them in context of the larger framework in IDFG Unit 14. The area of concern is a corridor 4 miles deep and 10 miles long comprised of about 40 to 50 square miles, with 4 outfitters currently operating in the area with Mr. Zubillaga and Mr. Cox applying to become additional outfitters in the area. The IDFG, USFS and BLM have been contacted and their accumulative response is available to the Board in understanding any issues or concerns in making make a determination on moving forward with any adjustment to licensure of the four licensed outfitters in Unit 14.

Boulder Creek Outfitters - Tim and Matt Craig - Tim Craig of Boulder Creek Outfitters stated that he has been an outfitter in the area since 1985 and longer than any other outfitter. Boulder Creek has provided information relative to their agreement to use

Heckman properties in both Unit 13 and 14, but that little to no analysis has been done on their operation on private land. He stated that there is a lot of public hunting in IDFG Unit 14. He said he does not hunt as much as he used to in Unit 14 due to the amount of public in the area and the reduced animals, other than bear and lion. He explained that Boulder Creek maintains a large outfitter operation in unit 14 as well as in units 13 and 18 and is licensed on both private land and land administered by the USFS in both units. Boulder Creek also has outfitter businesses in other parts of the State. Boulder Creek has built and maintains a lodge on the Heckman Property in Unit 14. With respect specifically to unit 14, in reviewing the map provided with this document you will see that Boulder Creek holds the USFS permit for much of the federal land adjoining the private lands in question to the north of Slate Creek. Boulder Creek's Heckman Ranch operation and their USFS operation adjoin. Boulder Creek's operation and Yellow Wolf's operation adjoin to the North and his operation would adjoin or be very near Cox's operation if Cox were licensed in this area.

Yellow Wolf Outfitters - Edd Woslum - Edd Woslum stated that Yellow Wolf Outfitters maintains a small operation in unit 14 as well as unit 13 and are licensed only on private land. Their operation in unit 14 consists of six small parcels which they own outright. Yellow Wolf Outfitters is not licensed anywhere else in the Idaho. Yellow Wolf Outfitters has been licensed in Unit 14 since 1993. "In 1990 we sold everything we owned to buy our present property in the White Bird area. Our motivation for this move was to escape the ever increasing socialist tendencies of the state of California, and to become a part of this state's culture that we believed to be steeped in the family traditions of hunting, fishing and conservative political values." He said they were not dependent on outfitting income for their livelihood, but like so many other landowners, it certainly helps to pay the taxes and allows them to put more resources back into wildlife habitat. Prior to his arrival in Idaho, his family had ranching operations in Texas, Oklahoma, and California. Concurrent with these out of state ranching endeavors, they had also been involved with wildlife management projects in these three states, plus two countries in Southern Africa. He said that if one were to conduct a survey of the recent purchases of ranch land in Idaho, he believed his family is not unique in these goals and there are an extremely high percentage of likeminded individuals that have come to Idaho for these same reasons. He said that if an Idaho property owner today applies for an outfitter's license there must, without argument, be a due process in order to determine the viability of such an operation. This due process should however, be solely based on whether or not the applicant can properly manage such an endeavor and whether or not the subject property can maintain sustainable numbers of the animals to be pursued. For either the IOGLB or IDFG to attempt to determine a "public need" for such a business is, in my opinion, contrary to the stated philosophy of the executive branch of our state's government. In addition I believe this method of screening prospective outfitter applicants goes way beyond the intended mission of either organization. Considering the above stated issues, his question is how does the IOGLB or the IDFG now or in the future equitably determine the "public need" for an otherwise qualified landowner to become a licensed outfitter? Assuming that the landowner has been determined to have sustainable numbers of animals, what type of empirical research could possibly be used for a denial? He said that if the IOGLB and the IDFG, acting in concert, approve or deny a private property outfitter application based on a true assessment of the sustainable resource, he believes this to be correctly serving the needs of our state. If, however, this decision was

to be made based on a determination of public need, he believes it amounts to improper manipulation of the free enterprise system.

Meadow Creek Outfitters - Cheryl Bransford - Ms. Bransford did not respond to the Board's notice. The agencies did not provide additional information concerning Meadow Creek Outfitters licensed area.

Whiskey Mountain Outfitters - Wayne Hungate - Mr. Hungate did not respond to the Board's notice. The agencies did not provide any additional information concerning Whiskey Mountain Outfitters operation in this area.

Brad Compton IDFG - Mr. Compton said he wanted to recognize the efforts that have been ongoing and culminated with the advisory group, the efforts that Director Howard has made with the IDFG Comment Form that was part of this process. He feels that with some minor adjustments to the form it will provide a structured and standardized approach for IDFG to provide information to OGLB to help with OGLB decision making. Mr. Compton also wanted to recognize the efforts of Susan Knapek, the OGLB Licensing Clerk for going above and beyond when she came in on her day off to prepare a report needed by IDFG for some historic use numbers needed by the Commission. Mr. Compton also stated that relative to access on private land, the Department supports access for outfitted and non outfitted hunters on private lands. They cannot choose one over the other; they serve all hunters whether on private or public lands.

Hearing/License Application - C4Ranch LLC – Mr. Jim Zubillaga C-4 Ranch is requesting a license on 4000 acres of his private ranch in unit 14. Director Howard explained Mr. Zubillaga was given a temporary authorization letter last year when he applied. The authorization letter has expired and now he has appeared before the Board to ask for a license to be issued. Mr. Zubillaga stated that his biggest priority is to donate hunts. He plans on hunting it with his family and friends. The Board also explained that he is providing an opportunity to the general public and there is value in the hunt and considering other activities presented in his application he must be licensed as an outfitter

MSC (MOTION, KORELL; SECOND, STARK– AYES – HUNSUCKER, IRBY: NAYES - NONE) TO APPROVE THE C4 RANCH AND THE DANNY CLARK RANCH, INCORPORATING IDFG RECOMMENDATIONS IN THE APPLICATION.

Hearing/License Amendment - Trout Creek Outfitters - Director Howard had deferred Trout Creek Outfitters amendment to the Board for a decision. Mr. Ray Cox said Trout Creek Outfitters Inc. does business out of Grangeville, Idaho. They are licensed as an Outfitter in areas in Idaho all within a two hour drive from this property. He explained that he was requesting to be licensed on 6000 acres of private lands which is the Skookumchuck Ranch, Mr. Roy Farmer is the land owner. Ray Cox, Trout Creek Outfitters stated that Mr. Roy Farmer from Skookumchuck came to him and asked him to come and hunt his area due to a bear problem. The bears are destroying his orchards and he has asked Mr. Cox to help with keeping the bears out of his fruit trees. He also said he has not had any conflicts with any other outfitters. He has had problem with the public. He said the game that are present on the Skookumchuck ranch are bear, cougar, white tail deer and elk, but that Mr. Farmer does not want any mule deer hunted. He is trying to bring them back but the numbers are low. Mr. Cox stated that he stays with his hunter so he knows where they are, this keeps them within his hunting boundaries.

MSC (MOTION, IRBY; SECOND, KORELL– AYES – STARK, HUNSUCKER: NAYES - NONE) TO APPROVE THE APPLICATION FOLLOWING INCORPORATED IN THE APPLICATION FROM MR. RAY COX TROUT CREEK OUTFITTERS AND IDFG RECOMMENDATION TO OPERATE ON THE SKOOKUMCHUCK RANCH AS APPLIED FOR.

Director Howard discussed that the Board establish some protocols for private lands for consistency. **MSC (MOTION, STARK; SECOND KORELL – AYES – HUNSUCKER, IRBY; NAYES - NONE) THAT THE UNIT 13 AND 14 OUTFITTERS CLARIFY THEIR PERMITS AND OPERATING AREAS AND THAT DIRECTOR HOWARD WORK WITH THEM TO DO SO.**

Board recessed for Lunch at 12:00 Board reconvened at 1:30 with all present listed above.

Consent Agenda – Board reviewed consent agenda.

MSC (MOTION, KORELL; SECOND, STARK – AYES - HUNSUCKER, IRBY; NAYES - NONE) TO APPROVE AND ACCEPT CONSENT AGENDA

Financial Report – **MSC (MOTION, KORELL SECOND, STARK– AYES – HUNSUCKER, IRBY: NAYES - NONE) TO ACCEPT THE FINANCIAL REPORT.**

Enforcement Report – **Enforcement** Chief Beale gave a description of the 2009 & 2010 cases he has investigated. He explained that there was an investigation on illegally guiding snowmobiling. At this time there are 15 cases that have been opened so far in 2010. One citation is currently pending, there are 9 covert and undercover active cases being worked. One case has been referred to the IOGLB Prosecutor (pending), two cases pending as referred to the county prosecutor. Within the last 9 months there have been 2 fishing cases, 1 trail ride, 1 snowmobile guide, 1 pending lion hunting, all illegally. Chief Beale showed the Board the signs he proposed to order. He has would like to order 40 metal signs and 200 laminated paper signs at a cost of \$12.50 per metal sign and 1.67 for the laminated paper. Signs will be ordered pending the approval of the Board. The Boards recommends that another 40 metal signs with a boating and fishing picture be ordered as well.

Directors Report - Salmon Fishing SA8 - Joe O'Neill, BLM Recreation Planner, Joe DuPont Idaho Fish and Game, Virgil Moore Deputy Director Idaho Fish and Game participated in the discussion of the opening a salmon season on the SA8 section of the Salmon River, from Hammer Creek Boat Dock to Heller Bar (Rice Creek Bridge) a 12 mile reach. **MSC (MOTION, IRBY; SECOND, KORELL– AYES - HUNSUCKER; NAYES - NONE) BOARD MEMBER STARK ABSTAINED FROM THE VOTE TO ACCEPT THE FISH AND GAME RECOMMENDATIONS OF 5 OUTFITTERS WITH 6 CLIENTS PER BOAT FOR THE SPECIAL AUTHORIZATION FOR THE 2010 SALMON SEASON, PULLING FROM THE LIST OF THOSE OUTFITTERS WHO FISH FOR STEELHEAD DURING THE LAST FOUR YEARS. EXCLUDING THE SA7A OUTFITTERS LICENSED FOR SALMON. TO SEND A LETTER TO INDIVIDUALS WHO ARE INTERESTED AND SELECT THE FIVE OUTFITTERS BY LOTTERY.**

Director's Report - Legislation and Rules – Director Howard reported that Senate Bill S1265 passed and amends existing law relating to outfitters and guides to remove reference to territorial conflicts between big game operations as it relates to adjustments of territorial scope of operations of licensed outfitters by the Idaho Outfitters and Guides Licensing Board. Senate Bill 1266 passed and amends existing law relating to outfitters and guides to revise term of license provisions. The proposed rules passed with the exception of the clarification being made to the definition of hazardous excursion IDAPA 25.01.01.002.20. **Fee Increase** – Director Howard explained that he intends to put together a summary sheet explaining where the Board is at with revenue for the next Board meeting. He said that the Board discussed last year to consider the staged multiple year fee increase. Director Howard discussed the Board to work with the IOGA as this matter moves forward. **Use Reports** – Office Supervisor Lori Thomason asked the Board for input to help define how the new use reporting will be set up on the new data base. Board member Stark committed to interact with the staff to help with the input. **Spring Newsletter** - Board asked the Director to address non-use and liability insurance matters in the spring news letter. Office Supervisor Lori Thomason discussed several instances where individuals have become angry to the point of become verbally abusive with staff. The Board asked the Director to address this matter in the newsletter and to explain where verbally abusing the staff is not acceptable. **Summer Board Meeting** – The Director reminded the Board the date of June/July Board Meeting in Idaho Falls needs to be determined.

Black Dog Outfitters - Board Attorney Roger Hales read a letter from John Curney representing Black Dog Outfitters dated March 5, 2010. **MSC (MOTION, KORELL; SECOND, IRBY – AYES – STARK, HUNSUCKER NAYES -- NONE) AT 5:00 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES AND LITIGATION WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1)(b)&(d), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT MSC (MOTION, STARK; SECOND, IRBY - AYES – HUNSUCKER, IRBY, NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 5:20 P.M. WITH NO DECISION MADE.**

Chairman Hunsucker recessed the meeting at 5:25 p.m. March 18, 2010.

Chairman Hunsucker reconvened meeting at 8:35a.m. With all listed above present

Consent Agreement – Mickey Cockerham and Dennis Cockerham - Laura Chess, Attorney from Kane Law Offices explained the Stipulation and Final Order on Mickey and Dennis Cockerham. **MSC (MOTION, KORELL; SECOND STARK, – AYES - IRBY; NAYES - HUNSUCKER) TO APPROVE THE STIPULATION WITH MICKEY AND DENNIS COCKERHAM AND AUTHORIZING THE CHAIRMAN TO SIGN IT**

Stipulation on Heise Expeditions LLC – Laura Chess, Attorney from Kane Law Offices explained the Stipulation and Final Order on Michael Quinn Designated Agent, Scott Smith Guide, James Osmond Guide. **MSC (MOTION, STARK; SECOND KORELL – AYES – HUNSUCKER, IRBY; NAYES - NONE) TO APPROVE THE STIPULATION ON HEISE EXPEDITIONS, SCOTT SMITH, JAMES OSMOND, MICHAEL QUINN AND AUTHORIZING THE CHAIRMAN TO SIGN IT**

Elk Mountain Outfitters – Laura Chess, Attorney for Kane Law Offices and David Leroy Attorney for Neven Zugg appeared before the Board to explain that a buyer has submitted a partial application to purchase Elk Mountain Outfitters. **MSC (MOTION, IRBY; SECOND STARK, – AYES - IRBY; NAYES - HUNSUCKER) TO AMEND THE PREVIOUS ORDER TO EXTEND THE MARCH 31, 2010 DEADLINE TO APRIL 22, 2010 TO GIVE DIRECTOR HOWARD THE AUTHORITY TO ISSUE A SUSPENDED OUTFITTER LICENSE IF NECESSARY TO END ON APRIL 22, 2010. NO OTHER CHANGES ON THE ORIGINAL STIPULATION HAVE BEEN AUTHORIZED.**

Sawtooth National Recreation Area, USFS - Grant Simonds, IOGA Executive Director discussed the USFS's implementation of a new outfitter and guide policy including cost recovery and the potential negative economic consequences to the outfitter industry. He further explained related matters that had surfaced within the Salmon Challis National Forest and the SNRA in the Sawtooth National Forest. Director Howard also discussed several matters involving the USFS including the SNRA relative to the federal permitting process. He discussed matters particular to the SA1 section of the Salmon River and to a vacated land based area involving trail rides. Board member Irby suggested that it may be helpful for the MOU to be clarified to be more specific on several issues of concern.

MSC (MOTION, KORELL; SECOND IRBY – AYES – HUNSUCKER, STARK; NAYES - NONE) TO DIRECT EXECUTIVE DIRECTOR HOWARD TO INVITE SAWTOOTH NATIONAL RECREATION AREA – USFS DISTRICT RANGER SARAH BALDWIN AND SAWTOOTH NATIONAL FOREST ACTING FOR FOREST SUPERVISOR, TERRY CLARK, TO THE BOARD'S MEETING ON APRIL 22, 2010 TO DISCUSS MATTERS OF THE BOARD'S CONCERN.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 11:45 a.m., Friday March 19, 2010.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, DIRECTOR