

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

FINAL MINUTES

SEPTEMBER 13, 2010

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

THE SPECIAL MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 8:40 A.M. SEPTEMBER 13, 2010, IN THE MEETING ROOM, AT THE IOGLB OFFICE, 1365 N. ORCHARD, ROOM 172, BOISE, IDAHO, 83706. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), LOUISE STARK, CHRIS KORELL, TOM LONG AND ALEX IRBY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD SECRETARY LORI THOMASON, AND ROGER HALES, BOARD ATTORNEY.

Consent Agenda – MSC (MOTION, LONG; SECOND, KORELL – AYES IRBY, HUNSUCKER, STARK; NAYES -- NONE) TO ACCEPT THE CONSENT AGENDA.

Directors Report:

BYU Idaho request - The Director recapped the discussion at the July Board meeting concerning legislation proposed by Senator Hill to exempt private Idaho colleges and universities from license requirements. He explained that the legislation had been initiated by BYU - Idaho who attended that meeting to discuss the matter with the Board.

The Director called to the Board's attention a proposal that he had received from Derek Fay with BYU - Idaho following the July meeting. He said that Mr. Fay was requesting the Board's feedback. The Board stated they generally felt comfortable with the concept of creating a general registration requirement for all Idaho colleges and universities that would specifically license a qualified Designated Agent and exempt instructors in certain instances.

They discussed that state colleges and universities are not exempt from licensure, in that outfitter and guide statutes do not specifically mention college and universities, but that they do mention that any employee of the state of Idaho or the United States, when acting in his official capacity is exempt. They discussed that historically private and out of state institutions providing outfitted or guided services have been required to be licensed and that several are. They agree the primary consideration and discussion in moving forward has to be the "standard of care" afforded the public by the institution and by the individual supervising the over operation. They discussed that those providing activities must clearly be qualified to do so to the same level as expected of licensed outfitters and guides. Clearly someone needs to be held responsible. They discussed that some colleges and universities seemed better prepared than others to care for those

individuals using their services; there is a need to clarify the concepts of academics versus non-academic activities and non-consumptive activities which are those typically provided by colleges and universities versus consumptive activities that typically are not. They voiced their concern that individuals often register for one credit (elective) classes or participate in student services for recreational purposes and that there must be some differentiation with small schools and on-line colleges providing services to generate income that are typically provided by outfitters. They also stated that in order to support the legislation that there must be some consideration of existing licensed outfitters business competing for the same limited resources. They discussed that the federal agencies are capping total commercial use and in some instances, total use on some rivers and in certain areas which outfitters, non-profit organizations and colleges and universities compete with the public for a share. They said the legislation must fit within current Board rule regarding use and particularly on classified and unclassified rivers.

The Board discussed that a common solution needs to be explored with the Federal agencies as this moves forward. The Board discussed that the BLM and USFS have different approaches to caps and permitting and that an Idaho solution needs to be found for colleges and universities as well as non-profit organizations. The Director said that he had discussed this matter with the BLM state recreation manager who agreed. There was also discussion that activities also occur on lands and waters where there is no federal oversight and only the Board has jurisdiction. The Board said that they wanted to be clear on where the State Board of Higher Education is on this matter. They said they would not sponsor this legislation, but instructed Director Howard to work with Mr. Faye and Senator Hill as the Senator moves this matter forward.

Budget - Director Howard reported the budget request has been submitted for 2012 and that he asked for an additional spending authority for Education and Enforcement, but otherwise it was a maintenance budget.

Fee Increase - Legislative Update - The Director reported that the legislation had been submitted and had been authorized by the Governor's Division of Financial Management to move forward to the legislature. He said that as a result, a Rendezvous newsletter will be provided to the industry in the near future explaining the increase and asking for input. He said that he will provide a draft to the Board and would appreciate input. He said the IOGA Annual Meeting is December 14 through the 16, 2010, and the Board will present the fee increase at that time. He said that there was no other legislation being proposed and that rules under consideration including the various rules involving rivers and boating were not yet ready and he anticipated getting back to them after the first of the year.

Allocation - Board Member Chris Korell voiced his concerns about freezing the allocation numbers for the next 5 years and suggest that allocation not be recalculated due to the extreme and extraordinary times caused by the wolves and economy. They suggested this matter be placed on the agenda for the November meeting. Board members KORELL and Stark said that would put information together for the Director to review and for the Board to consider at that meeting to possibly discuss with the IDFG Commission.

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

Enforcement Report – Chief Beale explained the unfortunate death of a guide on the South for the Snake and how the accident happened. He also submitted a proposal and gave a presentation streamlining scoring applications with felonies, misdemeanors, and infractions. The Director said that they are also working on a policy regarding guidance involving licensing outfitters providing Hazardous Excursions as defined in rule.

MSC (MOTION, LONG; SECOND, IRBY– AYES KORELL, HUNSUCKER, STARK; NAYES -- NONE) TO APPROVE THE CONCEPT OF THE SCORING OF APPLICATIONS AND BRING IT BACK TO THE BOARD AT THE NOVEMBER MEETING.

MSC (MOTION, IRBY; SECOND, LONG– AYES KORELL, HUNSUCKER, STARK; NAYES -- NONE) TO SUPPORT THE GOVERNER’S POSITION ON THE WOLVES IN THE STATE OF IDAHO.

Prospectus - The staff was asked to provide the information at the November Board meeting on the two vacancies brought about by High Country Outfitters vacating their license in 2009. There are two separate areas that were vacated that are under consideration for a prospectus. One is in the Sawtooth National Recreation Area in IDFG units 39 and 43 and the other is in the Salmon Challis National Forest in IDFG unit 20-A.

Elections - The Board will hold elections at the November Board Meeting.

Board Meeting - The next Board meeting is scheduled for November 17, 18 or 19. The Board asked Director Howard to schedule their annual joint meeting with the IDFG Commission on the afternoon of the 18 or the morning of the 19th. They said they would like an update on the progress of the Turkey and Waterfowl Working Group and that they would like to discuss Big Game Tag allocation. They recognized the Commission was meeting in Jerome Idaho and that they would be willing to travel there.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 10:45 a.m., Monday, September 13, 2010.

WAYNE HUNSUCKER, CHAIRMAN

ATTEST:

JAKE HOWARD, DIRECTOR