

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

FINAL MINUTES

November 17 & 18, 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 8:40 A.M. NOVEMBER 17, 2010, IN THE MEETING ROOM, AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD, BOISE, IDAHO. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), LOUISE STARK, CHRIS KORELL, AND TOM LONG WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, BOARD SECRETARY LORI THOMASON, EDUCATION AND ENFORCEMENT CHIEF PAT BEALE, ROGER HALES BOARD ATTORNEY, AND GRANT SIMONDS, IOGA. ALEX IRBY WAS NOT PRESENT.

Director Howard gave a brief overview of the agenda.

Board Elections – The Board elections were held to determine Board Officers. **MSC (MOTION, LONG; SECOND, KORELL – AYES HUNSUCKER, STARK; NAYES -- NONE) TO NOMINATE WAYNE HUNSUCKER AS BOARD CHAIRMAN.**

MSC (MOTION, LONG; SECOND, KORELL – AYES HUNSUCKER, STARK; NAYES -- NONE) TO NOMINATE LOUISE STARK FOR TREASURER AND CHRIS KORELL AS VICE CHAIRMAN.

Consent Agenda – The Board reviewed the consent agenda documents provided to them. **MSC (MOTION, LONG; SECOND, STARK – AYES, KORELL, HUNSUCKER; NAYES -- NONE) TO ACCEPT THE CONSENT AGENDA**

Financial Report - The Board examined the financials from August, September, and October. **MSC (MOTION, LONG; SECOND, STARK – AYES; KORELL, HUNSUCKER, NAYES -- NONE) TO ACCEPT THE FINANCIAL REPORT**

Enforcement Report – Case Report - Education and Enforcement Chief, Pat Beale explained the enforcement program and also talked about the case file report. The 2010 case file report was explained as how each case is examined as to whether to open a case or not. He stated the Enforcement Division had approximately 50 total cases so far this year. Five cases involved arrests. Two were cited by IOGLB and are currently paying

the fines. One case that was prosecuted was an individual in Canyon County for illegal guiding of trail rides in Canyon County. **First Aid Classes** - Mr. Beale talked about the first aid courses that are acceptable in meeting the requirements set forth in rule. He said that the American Red Cross has been the standard. He discussed other classes that might be accepted by the Board. Board member Tom Long stated that the online training courses were accepted to help encourage good training, but not to facilitate convenience and replace hands on training or to supplant the American Red Cross minimum standards. **Scoring Applications Involving Misdemeanor Convictions** - A sample of the scoring sheet was given for the Board to review misdemeanors as to when the Board will require an applicant to appear before the Board before a license will be issued. The Board examined whether or not to include motor vehicle infractions as part of the scoring process. Director Howard, Board Attorney Roger Hales and Enforcement Chief Pat Beale will re-examine the scoring process to fine tune it and will provide a recommendation at a future meeting. **Hazardous Excursions** – Mr. Beale discussed the hazardous excursions requirement for licensing. He said that recent growth in adventure sports and the development of new materials and technology has increased growth in “non-consumptive” activities. Recently questions have surfaced regarding definitions of Hazardous Excursions. The Director suggested that strict interpretation of the definition Hazardous Excursion can be confusing and may affect some commercial operations that may not clearly propose health, safety or welfare risk to the public and consequently, may not need licensure. IOGLB needs to work hand in hand with other agencies to assure the licensing process is not overly burdensome. The Board discussed whether to establish policy or to clarify rules to more clearly identify those hazardous excursions activities which must be licensed and to allow common sense flexibility that will enhance rural economic development, vitality and tourism. They discussed the use of the definitions “desert” or “mountainous” in rule and whether it should be eliminated or clarified in policy or rule. They agreed that generally, the “outside municipal city limits” clause set precedence. They also discussed whether this policy or rule might benefit from a special authorization opportunity which could be assigned by the Director for outfitters who meet the definition of hazardous excursions and provide non-consumptive services for a limited period such as once a year. They suggest that the requesting outfitter provide the same proof of insurance, bonding, first aid certification and land manager’s statement as required of traditional outfitters, but with a one - time fee currently allowed in rule might be reasonable. Director Howard, Board Attorney Roger Hales and Enforcement Chief Pat Beale will prepare a draft policy and present it at the next Board meeting.

Office Supervisor Report – Clarification of Fishing as an Activity on Outfitter Licenses - Lori Thomason, Office Supervisor reported to the Board that the clarification process has been completed on fishing activities on outfitter licenses to bring them in accordance with IDAPA – 25.02.02.16. The activities in the area descriptions now read float boat fishing, power boat fishing, walk and wade fishing land based, fly fishing, incidental fishing, float boat non fishing, power boat non fishing. Also there was clarification of anadromous fishing to be anadromous fishing (steelhead only) or anadromous fishing (salmon and steelhead) where applicable. **Outfitter, Designated Agent and Sole Proprietor phone calls** - The office has been receiving calls from various people other than sole proprietor outfitters or from designated agents hoping to

conduct business on behalf of that outfitter. The Board determined that a Power of Attorney may be accepted from a sole proprietor or designated agent in certain instances. Board Attorney Hales was asked to draft a Power Of Attorney form and will work with the Director to develop a policy on how it will be implemented and used. Office Supervisor Thomason expressed a concern in that some outfitters may try to use it in place of a DA license possibly in order to avoid a DA license fee. Director Howard pointed out that a special processing fee should be put in place, and that this form should not displace sole proprietor or designated agent signatures on any required document. He said the use of a Power Of Attorney would be for a matter of convenience on general business with the Board and not to displace the responsible party which is a Sole Proprietor Outfitter or a Designated Agent with other outfitter license types. **Use Reports** - Office Supervisor Thomason explained that the licensing staff is working on the new Activity Use Reports to possibly be used on line for the 2011 reporting year. Office Supervisor Thomason said the new report form will be operating area specific and for land based outfitters they may be a little more detailed. She said the new reports are to be filled out by operating area and then by Fish and Game unit. She provided the outfitter Board members a draft copy of their use report in the new format and asked for their input and ideas on how these forms might be improved or simplified. She said that IOGLB staff will also ask for industry input at the annual IOGA meeting in December 2010. She said the hard copy form once acceptable will be used to develop the on line forms and she hopes to have that done by the 2012 license renewal period. Director Howard explained that the Board had decided several years ago to improve the reports in order to get more concise land based use. He said that it has taken several years to get the licensing data bases reconfigured for this to happen. **Private Lands** – She said the Board policy on privately held lands and what is required should an outfitter want to amend their license to include private land is being supplied in the outfitter packet this year. A copy was provided to the Board. **Application Forms** - The Board received the list of the applications that have been updated during the year and Ms. Thomason stated that they will also be included in the News You Can Use newsletter to be placed in each renewal packet. **Allocation Hand Book** - The Allocation Handbook was clarified to read Pursuant to Board rule 015. (08.d) effective as of January 2004, IOGLB has implemented a fee assessed for each voucher allocated or used to purchase an Allocated tag, whichever number is greater as discussed with the Board earlier.

MSC (MOTION, LONG; SECOND, KORELL – AYES HUNSUCKER, STARK, NAYES -- NONE) AT 11:10 A.M. THAT THE BOARD ADJOURN TO GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, (b) & (f) IDAHO CODE. TO DISCUSS LITIGATION WITH MIKE KANE ACTING AS THE BOARD’S ATTORNEY. MSC (MOTION, STARK; SECOND, KORELL- AYES LONG, HUNSUCKER, NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 11:20 A.M. WITH NO DECISION MADE.

MSC (MOTION, LONG; SECOND, STARK – AYES HUNSUCKER, KORELL; NAYES -- NONE) BASED UPON THE RECOMMENDATION OF COUNSEL AND STIPULATION FOR THE PARTIES, THE BOARD WILL HOLD MR

PODSAID'S LICENSE RENEWAL APPLICATION IN ABEYANCE UNTIL THE APPEAL IS RESOLVED.

Directors Report - Unit 39/43 Prospectus – A draft prospectus for a vacated big game hunting area in Unit 39/43 involving the Fairfield District, USFS is completed and will be disseminated in December. It will run through the winter and an outfitter will then be selected in the spring. **Unit 20A Prospectus** – Information to move forward with a prospectus in an outfitter area Unit 20 A is outstanding. The IOGLB has requested information from the North Fork Ranger District. Several letters have been sent by the Executive Director to the District Ranger but there has not been a response back at this time. **Turkey and Waterfowl Advisory Group** – The Director reported that another Turkey and Waterfowl Advisory Group meeting is scheduled for December 9, 2010 and that he understands that the group is narrowing down various alternatives for the Board to consider. The plan is for a formal report to be provided to the FG Commission and Board in January and where they might discuss how to move forward. He said that will likely be done at a Commission meeting to be held in Boise. The Director suggested that the Board might consider the alternatives and the discussion with the Commission at that meeting and then determine how they might want to proceed at a subsequent meeting. **Annual Meeting involving USFS, BLM, and IOGLB** – The annual meeting for the MOU between the USFS, BLM and IOGLB will be held on December 13, 2010 at the IOGLB office in Boise. Representatives from the three agencies will review and discuss the current MOU and various matters that might be considered in an amendment. **Dawn Richie's request** – Dawn Richie has requested that the Board amend their April 20, 2010 meeting minutes regarding a disciplinary matter that was filed involving her husband and outfitter, Mike Richie. Based on input from the Board attorney and the Director, the Board determined the minutes were accurate and it was not appropriate to amend minutes for the reason suggested. The Director said this matter had been resolved satisfactorily prior to the Board hearing it and the matter had been vacated. The Director also said that at this time Mr. Richie and his business were in good standing. **SA7A - Special Authorization For Chinook salmon** – The Director explained that Kerry Brennan, Rapid River Outfitters LLC had sold his business on the SA7A but wanted to maintain the special authorization for Chinook salmon fishing on that section. He said that Mr. Brennan also initially wanted the Board to change the SA7C rules so those outfitters could operate year around and where he could maintain the special authorization. The Director further explained that at a minimum, SA7A outfitters have had to have been licensed on SA7B to qualify and that they would not be eligible with just a SA7A or a SA7B license. He said that Mr. Brennan raised a question over whether SA7C licensed outfitters would qualify without SA7B. The Director said the initial intent was for the outfitters licensed in the fall and spring for steelhead on SA-7B to qualify for the special authorization for Chinook salmon fishing on SA7A on which outfitters are licensed to operate during the spring and summer. Consequently, he felt that the SA-7C outfitters could also qualify and would suggest this to the BLM should there be a need for another special authorization on SA7A. He said that this question had not surfaced in the past because all SA-7C outfitters were also licensed on SA7-B. Finally, he explained that a number of years ago all of the conditions had been spelled out in an authorization letter and in an invitation letter used when a special authorization vacancy exists via a business

sale. He said Mr. Brennan's sale will create a vacancy and should there be a salmon run, applications would be taken for the special authorization and filled with by a qualified SA-7B outfitter also licensed on SA7A who is in good standing and who had waited the longest. The Chairman said Mr. Brennan had been under the impression that initially there were no area requirements when the special authorization was first put in place a number of years ago. He said that the Director and he had met with the BLM over this matter and there was total acknowledgement over the status of SA7 in its entirety and with the special authorization as explained above. The Director said that this matter with Mr. Brennan had been resolved but wanted to bring this overall before the Board for clarity purposes.

Chairman Hunsucker recessed the meeting for lunch break at 12:15 p.m. and reconvened at 1:45p.m., with all listed above present

MSC (MOTION, LONG ; SECOND, KORELL – AYES HUNSUCKER, STARK NAYES -- NONE) AT 2:05 P.M. THAT THE BOARD ADJOURN TO GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, (b) & (f) IDAHO CODE. TO DISCUSS LITIGATION AND PERSONNEL MATTERS. MSC (MOTION, STARK; SECOND, KORELL- AYES LONG, HUNSUCKER NAYES - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 2:45 P.M. WITH NO DECISION MADE.

MSC (MOTION, STARK; SECOND, LONG – AYES HUNSUCKER, KORELL, NAYES -- NONE) TO APPROVE THE DIRECTOR'S WORK PLAN 2010/11 WITH AN EXCEPTIONAL RATING FOR HIS WORK OVER THE PAST YEAR.

Department of Parks and Recreation – Director of the Idaho Department of Parks and Recreation, Nancy Merrill appeared before the Board she said her Department of Recreation would continue to work with IOGLB to make sure that the correct activities get permitted and licensed in the State Parks. Director Howard pointed out that this matter was related to the discussion regarding the hazardous excursions requirement earlier in the meeting. He stated that he would be working to clarify applicable rules through a policy and to put a draft MOU together in cooperation with Director Merrill. She agreed that an MOU may be helpful.

Division of Tourism – Peg Owens appeared before the Board to explain the brochure that the Division of Tourism has been working on to benefit the outfitting industry. Ms. Owens stated that their web site is very large and is servicing the entire State of Idaho in many different aspects. She said that the Division of Tourism is continuing to adjust the site to make it user friendly. Director Howard said that the website uses outfitter information housed on the IOGLB database and licensed area information digitized by the IDFG to which the Division of Tourism website is linked. He said there are several minor clarifications being addressed that may have caused some confusion on the Division of Tourism website and there were other matters with that website of concern to some outfitters that were out of the Board's control. The Board reviewed the website and

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discussed it with Ms. Owens. They recognized the Division of Tourism's good work and acknowledged website were dynamic promotional tools of benefit to both the outfitting industry and to the public at large. The Director and Ms. Owens said they would encourage the public or anyone accessing either the Board website or the Division of Tourism website site to inform them should they have any questions or concerns.

Chairman Hunsucker recessed the meeting at 3:50 p.m. meeting to reconvene at 8:30 November 18, 2010.

Chairman Hunsucker reconvened the meeting at 8:40 with all listed present listed above including Board Member Alex Irby, Robbie Denning, Grant Simonds, IOGA, Lance Hebdon, IDFG, and Mark Carson, IDFG.

Robbie Denning License Hearing – This hearing is a continuation of the hearing in Idaho Falls on July 21, 2010. Mr. Denning is applying for an outfitter license to provide hunting activities on private lands owned by Mr. Hanson, Mr. Garro, Mr. Meyer and Mr. Larson. Mr. Denning testified that on the ranches he leases he allows one hunter per 1,000 acres per species per hunt type that is how they maintain the good quality hunt and resources. Up to this point Mr. Denning has been providing self guided hunt opportunities in the Willow Creek area with approximately 10,500 acres plus the 640 of IDL lands, Sheep Mtn. 9,000 acres for a total of about 20,000 acres.

The Board considered a letter presented by Lance Hebdon representing IDFG Director Groen requesting that the Board further delay their decision on Mr. Denning's application in order to give the Region the opportunity to provide a capacity study for licensing an additional hunting outfitter in unit 69. The Board discussed this request with him. Mr. Mark Carson, Conservation Officer with the Upper Snake River Office in Idaho Falls familiar with Unit 69 explained his view of public use and land owner relations there.

Grant Simonds IOGA, Lance Hebdon IDFG, Mark Carson IDFG, left the meeting and Director Howard left the meeting to attend to a personal matter.

MSC (MOTION, IRBY; SECOND, LONG – AYES: HUNSUCKER, STARK, KORELL, NAYES: NONE) AT 10.45 A.M. THAT THE BOARD ADJOURN TO GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345, (B) & (F) IDAHO CODE TO DISCUSS LEGAL MATTERS INVOLVING THE APPLICATION WITH THE BOARD ATTORNEY. MSC (MOTION, IRBY; SECOND, LONG- AYES KORELL, STARK, HUNSUCKER NAYES - NONE) THAT THE BOARD END THE EXECUTIVE SESSION. IT ENDED AT 11:05 A.M. WITH NO DECISION MADE.

Director Howard joined the meeting.

MSC (MOTION, KORELL; SECOND, STARK – AYES; NAYES – IRBY, HUNSUCKER, LONG) TO LICENSE MR DENNING WITH THE STIPULATION THAT HE TAKE NO MORE THAN ONE 1 ELK AND 1 DEER

HUNTING CLIENT PER THOUSAND ACRES OF DEEDED GROUND PER SPECIES, AND THAT THE BOARD REVIEW CLIENT SPECIFIC ANNUAL USE REPORTS - MOTION FAILED

Mr. Denning asked that that he be able to offer one 1 elk and 1 deer hunting client opportunity per thousand acres per species per hunt (i.e., rifle, archery, and muzzleloader hunts). He discussed his prior numbers and success. Board member Korell stated that he felt that it be too much use in such a limited area. Mr. Denning stated that he manages the wildlife resources on these private lands and did not believe it would be.

MSC (MOTION, STARK; SECOND, IRBY – AYES HUNSUCKER; LONG, KORELL NAYES –NONE) TO APPROVE THE APPLICATION WITH THE CAVEAT WITH THE CONDITIONS IMPOSED ON THE NUMBER OF HUNTERS THAT MR. DENNING TAKE BE MADE FOLLOWING A RECOMMENDATION BY DIRECTOR HOWARD AT A MEETING THE BOARD WILL HOLD DURING THE WINTER IOGA MEETING IN DECEMBER IN BOISE.

Director Howard suggested to Mr. Denning that he fully consider the Board's position and then make a proposal, to which the Director could then provide to the Board with his recommendation.

DELBERT MATSON GUIDE LICENSE HEARING - Board Attorney went through the list of documents that were submitted and explained Mr. Matson's appearance was over several convictions of DUI with the last being a felony. MSC (MOTION, LONG; SECOND, KORELL – AYES HUNSUCKER, STARK, IRBY; NAYES – NONE) TO LICENSE MR DELBERT MATSON FOR A GUIDE LICENSE

Denning cont;

The Board discussed Director Groen's request and IDFG's various concerns. They indicated they would be willing to consider the request provided they were able to conclude that analysis would be beneficial. They discussed that IDFG had initially expressed concern with Mr. Denning's initial application in 2001 and with another application two years ago and all along IDFG has been aware of increasingly limited access to both public and private lands in this unit. They discussed that the information provided initially by IDFG at their July meeting had not clearly presented a biological or resource management issue but rather concerns appeared to be philosophical. As the result, they were having difficulty understanding the need for further delay. The Board also discussed the absence of any reference to the Idaho Department of Lands in the IDFG's comments although IDL's willingness to issue a permit was relative to this application. It was their understanding that the only public land involved was administered by the Idaho Department of Lands (IDL) and that IDL did not see a public access issue when contacted by staff. The Board discussed that while analysis provided by the Director was limited relative to overall capacity, it was adequate with respect to this application

The Board discussed policies 2025 and 2026 which they had yet to adopt. The Board discussed its role and that of the IDFG in the application review process. Generally, their expectation is the IDFG would provide information relative to an application which the Board can consider in making a decision. The Board acknowledged that they have a responsibility to determine whether to use the information and if so, how.

The Board discussed various matters relative to the commercial provision of hunting and fishing opportunities on private land. Board member Irby and the Director explained that identifying an appropriate analysis process that the Board and the FG Commission can be comfortable with and that IDFG will consistently follow is essential to the Board considering IDFG recommendations in future licensing decisions. The Director explained that adjustments can be made to draft policies 2025 and 2026, the Board's MOU with IDFG or to existing rules that might clarify the analysis process. The Director also discussed that adjustments can be made to a licensed outfitter operation such as to Denning's following an existing rule i.e., IDAPA 026 and provided the Board determines the adjustments are necessary.

MSC (MOTION, IRBY; SECOND, LONG – AYES HUNSUCKER, LONG, STARK; NAYES –NONE) TO INVITE A PROPOSAL FROM IDFG TO BE SUBMITTED TO THE BOARD AT A FUTURE BOARD'S MEETING CLARIFYING THE PROCESS THEY MIGHT USE FOR THE ANALYSIS OF OUTFITTING ON PRIVATE LANDS AND THAT THEY MIGHT USE FOR SIMILAR ANALYSIS IN THE FUTURE. ONCE IN AGREEMENT, THE REGION WOULD THEN BE ENCOURAGED TO COME BACK WITH A COMPLETED ANALYSIS REPORT FOR UNIT 69.

The Board discussed matters they believe needed to be discussed with FG Director and the Commission and advised the Director accordingly.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 12:15 p.m., Thursday November 18, 2010.



WAYNE HUNSUCKER, CHAIRMAN

ATTEST:



JAKE HOWARD, DIRECTOR