

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

FINAL MINUTES

August 25, 26, 2011

**(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 1:00 P.M. AUGUST 25, 2011 IN THE MEETING ROOM, AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET, ROOM 172, BOISE, IDAHO. MEMBERS WAYNE HUNSUCKER (CHAIRMAN), LOUISE STARK, TOM LONG AND CHRIS KORELL WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR, JAKE HOWARD, BOARD SECRETARY LORI THOMASON, AND BOARD ATTORNEY ROGER HALES. MEMBER ALEX IRBY WAS EXCUSED FROM MEETING ON THURSDAY AUGUST 25.

Director Howard gave a brief overview of the agenda.

Education and Enforcement Supervisor Report - Chief Randy Wadley gave the enforcement report from January to August. Seven cases were to be heard during this meeting. There were 53 cases closed during those months, 60 cases in total. 36 probationary licenses have been issued so far for the 2011 license year. **Policy 4000** – Mr. Wadley explained the policy on undercover procedures and how covert bank accounts were set up, how they would be used and how the funds were to be tracked and how the Board would be involved.

Financial Report –Director Howard presented the financial reports from May, June and July 2011 including the FY 11 year end balances. He reported that due to cuts made during the year that the Agency's operation costs were \$445,800 and approximately \$50,000 less than previous years. He also said that revenues at \$469,600 were also down significantly. He felt that this was largely due to the economy and the cold wet spring which had seemed to affect the river guides being licensed. He also presented the Draft 2013 FY budget request that will be submitted by the end of the month. He said that the request will be for spending authority similar to previous years and that there would be no financial enhancements requested. Board member Stark complemented the staff on doing a good job to manage costs under the circumstances. **MSC (MOTION: STARK, SECOND, KORELL – AYES: HUNSUCKER, LONG NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORT**

August 25, 26, 2011 Minutes

MSC (MOTION: KORELL, SECOND, LONG – AYES: STARK, HUNSUCKER, NAYES: - NONE) AT 1:10 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS AND PERSONNEL ISSUES WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (b) & (f), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION: LONG, SECOND, KORELL - AYES: STARK, HUNSUCKER, NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 1:35 P.M. WITH NO DECISION MADE.

White Cloud Outfitters – Board member, Louise Stark discussed an amendment application that White Cloud Outfitters, Mike Scott had submitted for part of one of their existing operating areas (#1) in unit 37 to include elk, deer, moose, goat, sheep, in addition to existing bear and cougar. Director Howard explained that Sara Baldwin, the SNRA District Ranger had signed the land manager's statement granting authorization from the Sawtooth National Forest for this activity to occur. He said that the USFS did the resource analysis for this amendment as it was entirely on USFS lands. He said he was not aware of any competitive interests or issues. He also said that the area should be licensed as a separate operating area due to the inclusion of the additional activities of deer, elk, moose, goat, and sheep to only part of the existing area. **MSC (MOTION: LONG, SECOND, KORELL – AYES: HUNSUCKER, NAYES: - NONE) TO ADD ADDITIONAL HUNTING ACTIVITIES DEER, ELK, MOOSE, GOAT, SHEEP TO WHITE CLOUD OUTFITTERS OPERATING AREA #1 IN THE SLATE CREEK DRAINAGE WHERE THEY HAVE EXISTING BEAR AND COUGAR HUNTING ACTIVITIES IN THE SLATE CREEK DRAINAGE.**

Board Member Stark abstained from voting on this matter.

Korell Outfitters – Board member Kris Korell explained that he has submitted two applications: one, to add state and private lands for bear, lion wolf and bobcat in unit 32-A, and another for adjoining lands administered by the USFS and BLM for the same activities. He said that he was proposing that his clients harvest four bear and four cougars in this overall area and the use days be limited to twenty days each. Director Howard explained that he had discussed the federal land application with the USFS District Ranger who is doing the resource analysis for both agencies and felt that he was moving forward appropriately. The Director said that he understands that a final LMS was not likely to be issued by the Ranger until later this year or early next year. He said he was not aware of any competitive interests or issues. **MSC (MOTION: LONG, SECOND, STARK – AYES: HUNSUCKER, NAYES: - NONE) TO PARTIALLY APPROVE THE OUTFITTER APPLICATION FOR UNITS #32 AND 32A TO ADD ADDITIONAL HUNTING ACTIVITIES FOR BEAR, COUGAR, WOLF AND BOBCAT AS IT RELATES TO THE STATE LAND AND PRIVATE LAND DESCRIBED THERE IN, CONTINGENT ON COMMENTS FROM IDAHO FISH AND GAME DEPARTMENT SUPPORTING THE APPLICATION. THE BOARD WILL WAIT FOR COMMENTS FROM THE FEDERAL PERMITTING AGENCIES BEFORE CONSIDERING THE REMAINING PUBLIC LAND AS**

August 25, 26, 2011 Minutes

REQUESTED IN THE APPLICATION. *Board member Korell abstained from this vote.*

Board member Tom Long left meeting at 2:30 p.m.

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

Board Member Chris Korell wanted to make note that Big Game Allocation needs to be discussed at the Winter IOGA meeting this year.

MSC (MOTION: KORELL, SECOND, LONG – AYES: STARK, HUNSUCKER, NAYES: - NONE) AT 1:55 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS AND PERSONNEL ISSUES WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (b) & (f), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION: LONG, SECOND, KORELL - AYES: STARK, HUNSUCKER, NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 2:10 P.M. WITH NO DECISION MADE.

Legal Report - Board Attorney Roger Hales discussed the possible use of a Power Of Attorney form. He said the form would allow an Outfitter/DA to designate someone limited authority to handle certain specific, business matters with the licensing staff. For an example, submitting use reports, or requesting allocated tags. Authorization would be discretionary and handled by the Executive Director. The Board discussed that should the form be utilized that it not in any way supplant the DA license or to be used in course of the provision of facilities or services to the public which requires licensure.

Mr. Hales also advised that the law requires that outfitting activities provided within the city limits would require licensure with the exception of hazardous excursions. As an example, boating or fishing in the city limits would require a license. The Board requested that both matters would be discussed at a later meeting.

Office Supervisors Report - Allocation Handbook - Lori asked Susan Knapek, licensing clerk to explain the changes she had made in the Allocation Handbook. Susan has asked that the word recap be removed from the Allocation Handbook. **Database Conversion** - Office Supervisor Lori Thomason explained that the IOGLB database conversion had been completed and there were several issues that kept the system down for several weeks. She said that during this time approximately 150 letters of authorization were issued to keep licensing and business moving as usual through the office. She mentioned that there were some functional problems that have also surfaced with the new database that are being addressed. **Special Provisions Due To High Water** – She also mentioned there were five outfitters in eastern Idaho, which due to

August 25, 26, 2011 Minutes

flooding, were provided alternatives to accommodate their clients. **MSC (MOTION: KORELL, SECOND, STARK – AYES: HUNSUCKER, NAYES: - NONE) TO REMOVE THE WORD RECAP FROM THE ALLOCATION MANUAL, AND TO ISSUE AN UPDATED MANUAL.**

Directors Report - Blaine County Recreation- Director Howard reported that he had a recent inquiry from IOGA regarding a recent prospectus for trail rides and after reviewing the matter found that there are no statutes or rules that would keep county recreation districts or municipal recreation departments from being licensed. He said in the past there had been several licensed largely for boating and skiing. He mentioned the earlier discussion during this meeting that only hazardous excursions within a municipal city limit would be exempt. He said he had directed staff to move forward with licensure for Blaine County Recreation District to provide trail rides in the Galena Lodge area.

IRTI - Director Howard reported that the MOU with the Idaho Recreation and Tourism Initiative (IRTI) has been reauthorized. He reminded the Board that IRTI is a consortium comprised of a number of local, state, and federal agencies and private and is the Board with whom the GIS outfitters area mapping IOGLB uses in licensing is coordinated and partly funded.

Fremont County Recreation- Director Howard discussed an article written in a local paper in Fremont County regarding the County charging the outfitters operating on the Henry's Fork a fee to park at boat access sites to the river, but not the public. He said that he had responded to the article as did Grant Simonds with IOGA, and Mike Lawson who is an outfitter on Henry's Fork. He said as the result that the matter appeared resolved and Fremont County was going to take a more favorable approach to the Outfitting industry and consequently a nice article appeared in a recent paper.

Private Colleges And Universities - Director Howard explained that he not had responded to individuals interested exempting private colleges and universities from licensure that had been discussed earlier with BLM and USFS representatives and then with the Board.

Work Plan -- Director Howard will work with Board Chairman Hunsucker and Board Member Long to complete a work plan.

Trapping As A Licensed Activity – Director Howard explained to the Board that he had been contacted by IDFG and Chad Mohr, Ace Outfitters regarding whether trapping is a licensed activity. He provided a letter from IDFG explaining their requirements for individuals who are licensed by them to trap. The Director and Board Attorney advised that trapping would need to be added to Idaho outfitter statutes and rules in order for it to be a legal outfitted/guided activity. The Director reminded the Board that there currently are several matters which the Board hopes to draft rules for the 2013 legislative session which they would work on later this year and in 2012. Director Howard said that he will add trapping to the list of rules they might consider.

Rule 53 – The Board met with Travis Bullock, Mile High Outfitters at his request over matters involving White Cloud Outfitters, and one time controlled hunts for sheep in units 36-B. Mr. Bullock submitted a document explaining how he believes authorizations should be handled in the future. The Board discussed Mr. Bullock, Mile High Outfitters and Mike Scott, representing White Cloud Outfitters getting together with other industry leaders to propose changes to Rule 53.

August 25, 26, 2011 Minutes

Chairman Hunsucker recessed the meeting at 4:25 p.m. to reconvene at 8:30 a.m. Friday August 25, 2011 with all Board members listed above present.

Chairman Hunsucker reconvened the meeting at 8:30 a.m. with all Board members listed above present, including Board Member Alex Irby. Board Member Tom Long was excused from the meeting.

Work Session 3rd Party Rules – Board Prosecutor Mike Kane explained the reason that the rules were created was to protect the public at large so the client knows who responsible outfitter is that is providing them service and in order to maintain a fair playing field for the industry as a whole to do business. He provided several recent examples where problems surfaced. The Board agreed that existing laws need to be clarified. It was further discussed that problems be identified, draft changes provided and a facilitated workshop involving the Board, IOGA and both Board Attorneys be set up to address the matter.

Hearing Ryan Grigg – Mr. Grigg appeared before the Board to explain his criminal convictions. He asked the Board to issue him a guide license so he will be able to support his family and being on the river keeps him on the right path. Mr. Grigg said if the Board granted him a guide license he would guarantee that he would not be back in front of the Board with any other convictions. He stated that he has turned over a new leaf. Based on comments from Mr. Grigg, the Board recessed briefly and asked the Director to verify that the outfitter who authorized Mr. Griggs's application would employ him. When the Board went back into session, the Director explained that he had contacted James Osmond with Heise Outfitters who indicated that he would be willing to give Mr. Grigg a chance. **MSC (MOTION: KORELL, SECOND, IRBY– AYES: HUNSUCKER, STARK, NAYES: - NONE) TO ISSUE A GUIDE LICENSE WITH PROBATIONARY 2 YEAR PERIOD. MR. GRIGG WILL BE ABLE TO AMEND HIS GUIDE LICENSE WITHOUT APPEARING BEFORE THE BOARD**

Hearing Owen Grooms – Mr. Grooms was not available for the hearing. Mr. Jeff Bitton, Mystic Saddle Ranch who is his potential employer did appear and did speak on behalf of Mr. Grooms. The DUI convictions of Mr. Grooms are a concern for the Board. Mr. Bitton spoke in support of Mr. Grooms' guide application and advised he would be closely monitored. Mr. Bitton feels that Mr. Grooms should be given this opportunity to keep on the right track.

MSC (MOTION: STARK, SECOND, IRBY– AYES: HUNSUCKER, KORELL NAYES: - NONE) TO LICENSE MR. GROOMS WITH A 2 YEAR PROBATIONARY LICENSE MR. GROOMS WOULD NEED TO APPEAR BEFORE THE BOARD TO AMEND HIS GUIDE LICENSE.

Outfitted Turkey and Waterfowl Study and Update – Mr. Dick Gardner explained the survey that has been developed. Mr. Wally Butler from the Farm Bureau has a data base of 20,000 farmers and ranchers. After the land owners areas are identified, the survey will be sent out to land owners who can provide hunting for prime turkey and waterfowl hunting areas. They are looking for farmers and ranchers who will have identifiable areas for the prime hunting areas along with land owners who have more than forty acres as well. The hope is to get at least 350 land owners to respond to the survey.

August 25, 26, 2011 Minutes

A second survey is being aimed at a Board solution to the turkey and waterfowl issue.

Chairman Hunsucker recessed the meeting for lunch break at 12:00 p.m. and reconvened at 1:00p.m. All listed above were present.

MSC (MOTION: IRBY, SECOND, KORELL – AYES: STARK, HUNSUCKER, NAYES: - NONE) AT 1:05 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS AND PERSONNEL ISSUES WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (b) & (f), IDAHO CODE. BOARD ATTORNEY ROGER HALES AND EXECUTIVE DIRECTOR JAKE HOWARD WERE PRESENT. MSC (MOTION: KORELL, SECOND, STARK - AYES: IRBY, HUNSUCKER, NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 1:20P.M. WITH NO DECISION MADE.

Presentation of Consent Agreements – Christopher Cabral, guide for Tom Loder’s Panhandle Outfitters signed a consent agreement, for one year probation, \$1,535.00 dollars cost recovery, and letter of reprimand. MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY, HUNSUCKER, NAYES: - NONE) TO ACCEPT THE CONSENT AGREEMENT FOR CHRISTOPHER CABRAL

Andy Nachman, Northwest Voyagers and Jess Baugh, Mountain River Outfitters – each receive a letter of reprimand, two years probation, \$750.00 reimbursement to IOGLB \$675.00 to the clients with a letter of apology. (\$1500.00 dollars cost recovery to IOGLB, \$1350.00 dollars to clients). MSC (MOTION: STARK, SECOND, IRBY – AYES: KORELL, HUNSUCKER, NAYES: - NONE) TO ACCEPT THE CONSENT AGREEMENT FOR ANDY NACHMAN, NORTHWEST VOYAGERS, and JESS BAUGH, MOUNTAIN RIVER OUTFITTERS

Tim Linehan and Tom Loder Panhandle Outfitters - Sean McAfee – Consent agreement for Tim Linehan, Tom Loder and Sean McAfee each no disciplinary letter of concern and each of them to reimburse the Board \$1,000.00 for cost incurred. The Board would issue Mr. Linehan a guide license as an employee for Mr. Loder. (\$3000.00 dollars fines & cost recovery to IOGLB, McAfee has not signed consent agreement). MSC (MOTION: IRBY, SECOND, KORELL – AYES: STARK, HUNSUCKER, NAYES: - NONE) TO APPROVE THE CONSENT AGREEMENTS FOR TIM LINEHAN, GUIDE FOR TOM LODER’S PANHANDLE OUTFITTERS AND TOM LODER, OWNER OF TOM LODER’S PANHANDLE OUTFITTERS, AND TO DEFER THE MATTER CONCERNING SEAN MCAFEE UNTIL SUCH TIME AS SEAN MCAFEE TRIES TO LICENSE AS A GUIDE IN IDAHO.

Disciplinary Hearing Guide License on Harry Youren – Mr. Youren pled guilty and was convicted of breaking and entering into a building owned by the United States when that building was not open to the public. The Board heard from the Prosecutor on the

August 25, 26, 2011 Minutes

matter concerning Mr. Youren's conviction of the federal misdemeanor involving forest service regulations. Mr. Youren was sworn in and testified on his own behalf. **MSC (MOTION: STARK, SECOND, IRBY – AYES: IRBY, HUNSUCKER, NAYES: - NONE) TO FIND THAT MR. YOUREN DID VIOLATE THE OUTFITTERS AND GUIDES ACT, IDAHO CODE SECTION 36-2113 (A) 4.** *Board Member Chris Korell recused himself from this matter*

Enforcement Supervisor Wadley explained that the costs to date were for the total staff time and Board Prosecutor time but not including time for the current hearing was \$3,824.00 dollars.

MSC (MOTION: IRBY, SECOND, STARK – AYES: HUNSUCKER, NAYES: - NONE) AT 2:15 P.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS AND PERSONNEL ISSUES WITH THE BOARD ATTORNEY IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (b) & (f), IDAHO CODE. BOARD ATTORNEY ROGER HALES WERE PRESENT. MSC (MOTION: IRBY, SECOND, STARK - AYES: HUNSUCKER, NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 2:25 P.M. WITH NO DECISION MADE.

MSC (MOTION: STARK, SECOND, IRBY – AYES: HUNSUCKER, NAYES: - NONE) TO ISSUE A LETTER OF REPRIMAND TO MR. YOUREN, PLACE A 2 YEAR PROBATION ON HIS GUIDE LICENSE, CHARGE-COST RECOVERY TO MR YOUREN IN THE AMOUNT OF \$1,000.00 DOLLARS PAYABLE WITHIN A 90 DAYS EXPLAINED IN AN FINDING, CONCLUSION AND FINAL ORDER DOCUMENT TO BE PREPARED BY BOARD ATTORNEY HALES. MR. YOUREN WOULD BE ABLE TO AMEND HIS GUIDE LICENSE AS APPROVED BY THE DIRECTOR. *Board Member Chris Korell recused himself from this matter*

MSC (MOTION: STARK, SECOND, IRBY – AYES: HUNSUCKER, NAYES: - NONE) TO ALLOW MR YOUREN TO RENEW HIS GUIDE LICENSE. *Board Member Chris Korell recused himself from this matter*

Disciplinary Hearing Russell Gilmore - MSC (MOTION: KORELL, SECOND, STARK – AYES: IRBY, HUNSUCKER, NAYES NONE) MOVE TO CONTINUE RUSSELL GILMORE HEARING

White Cloud Outfitters, One time controlled hunts for sheep in unit 36-B – Director Howard explained that a second application for one time controlled hunts for sheep in unit 36-B had been received from White Cloud Outfitters. This application was in addition to and different from an earlier application that Board had denied. This time White Cloud is asking for the application to be considered to hunt in George McQuiston and Shane McAfee licensed areas 36-B where they had written permission. Mike Scott is

August 25, 26, 2011 Minutes

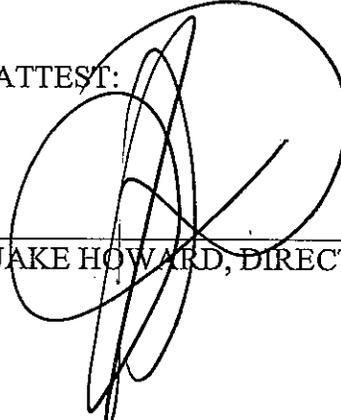
also asking hunt in an unlicensed area that lies between Mile High Outfitters and John Cranney's operating area and in John Cranney's area once Mile High Outfitters client has harvested his ram. **MSC (MOTION: KORELL, SECOND, IRBY – AYES: HUNSUCKER, NAYES: - NONE) TO ALLOW THE APPLICATION OF WHITECLOUD OUTFITTERS FOR A ONE TIME CONTROLLED HUNT IN THE GEORGE MCQUISTON AND MCAFEE AREA AND TO ALLOW WHITECLOUD TO HUNT THE UNLICENSED AREA THAT LIES BETWEEN MILE HIGH OUTFITTERS AND JOHN CRANNEY'S OPERATING AREA AND THE JOHN CRANNEY AREA AFTER MILE HIGH OUTFITTERS CLIENT HAS HARVESTED HIS RAM.** *Board Member Stark abstained from voting on this matter.*

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 3:30 p.m., Friday August 26, 2011.



WAYNE HUNSUCKER, CHAIRMAN

ATTEST:



JAKE HOWARD, DIRECTOR