

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

FINAL MINUTES

NOVEMBER 13, 14 and 15, 2013

(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 1:35 P.M. ON NOVEMBER 13, 2013 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), CHRIS KORELL, TOM LONG, AND LOUISE STARK WERE IN ATTENDANCE. ALSO PRESENT WERE OFFICE SUPERVISOR LORI THOMASON, EDUCATION/ENFORCEMENT SUPERVISOR RANDY WADLEY; EXECUTIVE DIRECTOR JAKE HOWARD, AND BOARD ATTORNEY ROGER HALES. BOARD MEMBER ALEX IRBY WAS NOT PRESENT AND WAS EXCUSED.

Agenda — Director Howard gave an overview of the agenda for the Board Meeting. He explained the Negotiated Rule Making hearing would be at the nearby Idaho Correctional Industries conference room beginning at 3:00 p.m. He said that use of this state owned facility saved the Board approximately \$500 as compared to those used for earlier hearings.

Big Timber Outfitters - Lori Thomason provided an e-mail she had received from Big Timber Outfitters, Billijo Beck regarding the time it was taking staff to process their amendment application for private land, and the possibility of meeting with the Board during this meeting to discuss it. Ms. Thomason explained that several contacts had been made with Ms. Beck concerning the application, explaining that it was not complete, what was needed to complete it and that as soon as the application has been completed that it will be reviewed. The Director and Board reviewed the materials that had been submitted and determined that it in fact was incomplete, and it needed properly completed OG - 7 and OG - 7.1 Operating Plans and that an OG - 25 IDFG Comment Form had not been provided. They noted in Ms. Beck's email that the OG-25 was further complicated with IDFG due to the confusion over maps she had provided. The Board reviewed the maps, and determined that they did not meet Board requirements. The Director explained that there been some confusion based the August Board minutes responding to public comments regarding filling a vacated area on USFS permitted land in Lemhi County, and the proximity of this private land application to that vacated area. The minutes state that the Board had discussed the merits of the outfitters who had expressed interest in applying for the vacated area in response to the scoping notice, and that the Board's determination was that only one outfitter license was to be issued for big game hunting in that immediate area at the present time. They then determined that this was to be done via a public prospectus. He said the minutes also state the Board had decided they were going to consider limiting the number of deer and elk hunters that the outfitter licensed in that area can provide services to. He said without greater clarification from the applicant, it was hard to understand the location and implications of this private land application to the vacated federal area and prospectus, but that it appeared they are in near proximity, if not adjoining. The Board discussed that depending on the location of the application for private land, if it was not in close proximity to the vacated federal land area, then location and limitations should be less of a concern relative to their earlier directive. Once the application is complete, the Director is to review it and based on the aforementioned, he will determine whether to defer it to the Board, otherwise he will issue the license.

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Prospectus - Director Howard also provided the Board a draft prospectus and comments back from Salmon Challis NF office dealing with the vacated area in Lemhi County. He said he had received it just before the meeting and would finalize it and move forward with Salmon Challis NF getting it issued after the first of the year.

Chairman Hunsucker recessed the meeting at 2:30 p.m. to be continued at 3:00 pm in the meeting room at Idaho Correctional Industries

Chairman Hunsucker reconvened the meeting at 3:00 p.m. at Idaho Correctional Industries conference room.

IOGLB Proposed Rule Hearing Docket No. 25-01' 0L1201 —The Board heard comment and took written testimony on this matter.

Chairman Hunsucker recessed the meeting at 5:00 p.m. Chairman Hunsucker reconvened the meeting on November 14, at 8:45 a.m. at the IOGLB Board room 1365 North Orchard, Boise, Idaho with all listed above present with the exception of Board member Alex Irby who was excused.

Financial Report — Board Member Stark made comment to the fact that spending looks like it is on track for the year being four months into the fiscal year. Director Howard explained that there will be some additional costs dealing with the data management system, moving the GIS mapping system and explained that he was going to assess the Board's financial situation after the first of the year in order to work on the use reporting system and an on-line application. He said that he will update the Board as doing so draws near. **MSC (MOTION: STARK, SECOND, KORELL — AYES: HUNSUCKER AND LONG, NAYES -- NONE) TO ACCEPT THE FINANCIAL REPORT FOR AUGUST, SEPTEMBER, AND OCTOBER 2013 FINANCIAL REPORTS.**

MSC (MOTION: LONG, SECOND, KORELL — AYES: HUNSUCKER AND STARK NAYES -- NONE) TO AMEND THE AGENDA TO DISCUSS THE COMMENTS ON THE RULE PROVIDED DURING THE HEARING YESTERDAY, AND TO TAKE ACTION ON THE RULE 25-0101-1201.

MSC (MOTION: STARK, SECOND, KORELL — AYES: HUNSUCKER AND, STARK NAYES -- NONE) TO ADOPT RULE DOCKET 25-0101-1201 AS A PENDING RULE, AND DIRECT STAFF TO TAKE ALL NECESSARY STEPS.

MSC (MOTION: STARK, SECOND, LONG AYES: HUNSUCKER AND KORELL NAYES -- NONE) TO AMEND AGENDA TO ALLOW THE BOARD TO ADDRESS POLICY NUMBER 2027 AND POLICY 2027.1-2013 BOTH SEPARATELY AND INDEPENDENTLY FROM THE CONSENT AGENDA.

MSC (MOTION: KORELL, SECOND, LONG — AYES: HUNSUCKER AND STARK NAYES -- NONE) TO RESCIND POLICY 2027, ADOPTED IN 2009, WHICH ESTABLISHED A FORMAL MORATORIUM ON OUTFITTED WATERFOWL AND TURKEY HUNTING FOR THE REASONS AS SET FORTH IN THE DOCUMENTS REFERENCED IN THE BOARD'S LETTER DATED SEPTEMBER 19, 2012 AND THEIR LETTER EXPLAINING THE BOARD'S ULTIMATE DECISION DATED SPETEMBER 9, 2013 ALL IN COMPLIANCE AND AS SET FORTH IN THE SAID POLICY

MSC (MOTION: STARK, SECOND, LONG — AYES: HUNSUCKER AND KORELL NAYES -NONE) BASED UPON THE RECISION OF THE MORATORIUM ON TURKEY AND WATERFOWL HUNTING FOR THE REASONS SET FORTH, IT IS APPROPRIATE TO

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ADOPT POLICY 2027.1-2013 WHICH HELPS CLARIFY CERTAIN POLICY CONSIDERATIONS IN THE LICENSING OF SUCH ACTIVITIES.

Consent Agenda- The Board reviewed the Consent Agenda

MSC (MOTION: LONG, SECOND, KORELL — AYES: HUNSUCKER, STARK, AND NAVES -- NONE) TO ACCEPT THE CONSENT AGENDA

Office Supervisor Report — Lori Thomason — Renewal Packets for 2014 Ms. Thomason informed the Board that the outfitter renewal packets have been sent out for the 2014 license renewals. **Certificate of Liability-** Ms. Thomason introduced Office Specialist, Robin Brown, Ms. Brown explained that she had created a liability insurance report and has been calling and e-mailing outfitters and insurance companies requesting current liability certificates be provided to IOGLB. Ms. Brown stated that initially there were about 104 outfitters that had not maintained current certificates, but that it had been narrowed down to less than 20 outstanding as of mid November, and that even though there were a number of outfitters coming up with liability set to expire in December, most of those would be caught up and provided with the renewal process. The Board complimented Ms. Brown and the office staff on taking the initiative to offer this service to the industry. It was discussed that it was an outfitter's responsibly to make sure this liability information is on file and not that of some third party such as the insurance company and that this was truly a service being provided to outfitters. Board Attorney Hales stated this ultimately is a benefit to the public safety and welfare of those who use outfitted services. It was also discussed that outfitters not maintaining a certificate of liability on file could face disciplinary action and Ms. Brown's effort has helped avert such action. The Director said that outfitters doing this regularly create work load issues or who pose a risk to the public by not maintaining may be cited and that this discussion was a good topic for a future newsletter. **Clearwater Boat stickers -** Office Supervisor Lori Thomason stated that the Director had determined the Clearwater stickers renewal be for the same time frame as the license year, from April 1 to March 31 each year, instead of January to December, because it would be easier for the outfitters to remember to purchase those stickers if they do it at renewal time. She said the rule states it should be done "annually", but is not clear on what that meant.

Education/Enforcement Report — Randy Wadley- Enforcement Case Overview:

Education and Enforcement Supervisor Randy Wadley explained the cases he has investigated for the 2013 year. He said that so far there were 85 total investigations, with 70 closed as of October 31, 2013. 15 total active, 20 arrested individuals, 40 criminal cases-counts for court hearings so far for 2013, 22 waiting on trial, 17 court convictions, 7 court dismissals/plea agreements, 10 citations paid in full, **Probationary Licenses 73. Investigations — Citations- Idaho Criminal Citations or Criminal Complaints Filed —40 total, 24 have been closed. Other Agency Citations 31 Idaho Fish and Game Violations, IOGLB Citations 10 Administrative Complaints, Violations and or Board Actions 12 total Board violations.**

Case No 2013-020 Lynette Casperson Saddle Springs cited for unprofessional conduct and illegal outfitting activity. **MSC (MOTION: KORELL, SECOND, LONG — AYES: LONG AND HUNSUCKER; NAPES: - NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED GENERAL PROBATION.**

Case No 2013-057 - Mike Luther dba Snake River Adventures cited for failure to purchase Clearwater boat stickers for the years: 2008 through 2012. **MSC (MOTION: STARK, SECOND, LONG — AYES: KORELL AND HUNSUCKER; NAPES: NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED GENERAL PROBATION.**

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Case No. 2013-071 Mike Richie dba Richie Outfitters cited for unprofessional conduct. **MSC (MOTION: LONG, SECOND, KORELL — AYES: STARK AND HUNSUCKER; NAYES: NONE) TO ACCEPT THE FINE PAYMENT AND DIRECTOR ORDERED GENERAL PROBATION.**

Director's Report Executive Director Howard — Technical Advisory Committee (TAC) — Director Howard stated there were several responses to the invitation letter sent to outfitters and guides in October and expressing interest in filling the vacancy on the TAC. Director Howard explained that the TAC was established to give the IOGLB technical expertise and guidance on applications submitted for outfitters or guides providing Technical Mountaineering, and Level 1 or 2 skiing. He said participation was totally voluntary, and that there was no compensation involved. He said the TAC advises him and ultimately the Board on an applicant's qualifications and certifications in order to insure that the applicants have the correct training to be consistent with the safety requirements for the hazardous activities which they provide to the public, and. Director Howard stated that after reviewing applications he was appointing Hannah North. Director Howard will also write a letter to existing TAC members to ask them about a member rotation schedule as per earlier direction from the Board. **2015 Budget proposal** — Director Howard explained to the Board that the 2015 Budget Proposal has been submitted and approved through the Department of Financial Management. **Fee Increase** — Director Howard discussed with the Board that a fee increase in the next year or two is inevitable due to rising data base costs, and other costs associated with the everyday cost to do business. **Idaho Outfitters and Guides Association new Executive Director and brochure**— Director Howard introduced John May as the new Executive Director of the Idaho Outfitters and Guides Association. He said that an IOGA brochure had been placed in the 2014 outfitter renewal packet this year and that he intended to do so in the future. **Boise National Forest-** Director Howard explained that a meeting with Boise National Forest officials involving Board member Korell, Board Chairman Hunsucker, and himself to better understand permitting issues on the Boise National Forest relative to outfitter licensing there, is being put together.

MSC (MOTION: KORELL, SECOND, STARK — AYES: LONG AND HUNSUCKER; NAYES: - NONE) AT 11:45 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS IN ACCORDANCE WITH THE PROVISIONS OF SEC. 67-2345(1) (B) & (F), IDAHO CODE; EXECUTIVE DIRECTOR. HOWARD WAS PRESENT. MSC (MOTION: KORELL, SECOND, STARK; - AYES: LONG AND HUNSUCKER; NAYES: - NONE) THAT THE BOARD END EXECUTIVE SESSION. EXECUTIVE SESSION ENDED AT 12:00 P.M.

Chairman Hunsucker recessed the meeting for lunch at 12:00 p.m., meeting reconvened at 1:40 p.m. with all listed above present.

Kelly's Whitewater Park — Director Howard explained that at the Board meeting in August 2013 the Board asked Director Howard to inquire as to whether or not The Friends of Kelly's Whitewater Park needed to be licensed as an outfitter. Steve Millemann, who represents The Friends of Kelly's Whitewater Park, appeared before the Board to discuss Kelly's Whitewater Park which is located on the Payette River near the city of Cascade. Mr. Millemann explained that the Friends of Kelly's Whitewater Park is a 501C-3 and that Kelly's kayak instruction does not charge for instructional services to the kids they provide lessons to, and therefore, do not hold themselves out for hire or compensation. It was determined that The Friends of Kelly's White water Park does not need to be licensed as an outfitter. However, it was determined that training services being provided on that river section by others, to The Friends of Kelly's Whitewater Park, or to the public on their behalf and compensated by them, may require that those individuals be licensed. Mr. Millemann provided a legal case which he felt set precedent. The Board discussed that the primary concern of licensing is to protect the safety and welfare of the public, and that there was concern that those providing the training services may not meet the same standard typically expected of the many licensed organizations and individuals who provide similar services. The Board also discussed the need to do a temporary rule change to accommodate outfitted activity on this river section, and this facility in order to help The Friends of Kelly's Whitewater Park accomplish some of the economic

goals it has set for the Cascade community mentioned in correspondence to the Board. The Board tabled the matter for discussion at a later time.

Zero Based Budgeting Report — Director Howard introduced Joan Callahan, who he said prepared the Zero Based Budgeting Report in cooperation with Office Manager Thomason and himself. This was a required report from the Division of Financial Management (DFM). The Zero Based Budget mission is intended to have IOGLB show that the Board is meeting the statutory requirements set forth in the Idaho State Statutes Outfitters and Guides Act IC Title 36, chapter 21. Ms. Callahan explained to the Board each section of the report and where changes could be made. The Board felt that the report did a good job explaining that as a state agency, IOGLB is fiscally responsible, efficient and is effective in the service it provides.

MSC (MOTION: LONG, SECOND, KORELL; - AYES: LONG, HUNSUCKER AND STARK; NAYES: - NONE) TO ACCEPT THE ZERO BASED BUDGET REPORT.

Strategic Plan/Performance Measures — Director Howard told the Board that it is time to update the Agency Strategic Plan which is to be updated every 5 years. He said that it was last updated in 2008 and that he had planned a comprehensive update this year, which was delayed by the Zero Based Budget requirement, and the Negotiated Rule making process. He said the Strategic Plan is what drives overall operational goals and objectives of the agency set by the Board, and from which strategies and performance measures are developed. He explained the agency performance measures. All is driven by the Agency mission and external factors which he explained are dynamic, and discussed how they are identified. He said one mechanism is the Zero Based Budget process which will be a good lead into this effort. The Director said he will provide more details during the next Board meeting in the spring. He said there may be some costs involved. The Board is in agreement with updating both the Strategic Plan and Performance Measure Report as explained by the Director.

Meeting adjourned at 4:15 p.m.

Chairman Hunsucker reconvened the meeting at 8: 45a.m, with all Board members listed above present with the exception of Board Member Alex Irby, who was excused.

Randy Hansen, Guide License Hearing - A Guide License hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Hansen's guide license application due to the criminal convictions he has received. Mr. Hansen is seeking a guide license to work for H2O Idaho LLC, Mr. Hansen testified and certain exhibits were introduced into evidence. **MSC (MOTION: LONG, SECOND, KORELL; AYES, HUNSUCKER AND STARK, IRBY; NAYES — NONE) TO GRANT A ONE YEAR NON-RESTRICTIVE PROBATIONARY LICENSE TO MR RANDY HANSEN**

Joseph Mont Beardall, Guide License Hearing - A Guide License hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant was identified and placed under oath. Mr. Kane explained that Director Howard had deferred Mr. Beardall's guide license application due to the criminal convictions he has received. Mr. Beardall is seeking a guide license to work for RAW Adventures, Mr. Beardall testified and certain exhibits were introduced into evidence. **MSC (MOTION: KORELL, SECOND, LONG; AYES, HUNSUCKER AND, STARK; NAYES — NONE) TO GRANT A TWO YEAR RESTRICTIVE PROBATIONARY LICENSE TO MR JOSEPH MONT BEARDALL**

Michael Wieser, Guide License Hearing - A hearing was scheduled for a guide license for Michael Wieser, he did not appear. The hearing will be rescheduled should Mr. Wieser or his employing outfitter

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request to reschedule another hearing.

Mike Stockton - Prosecutor Mike Kane explained the unsigned stipulation on Mike Stockton, and that it has not been signed as of November 15, 2013. **MSC (MOTION: KORELL, SECOND, STARK; - AYES: LONG AND HUNSUCKER; NAYES: - NONE) TC AUTHORIZE DIRECTOR HOWARD TO ACCEPT THE STIPULATION INVOLVING MIKE .:TOCKTON PRESENTED BY MIKE KANE, BOARD PROSECUTOR, UPON ITS RECEIPT T 3 THE BOARD.**

MSC (MOTION: LONG, SECOND, STARK; - AYES: KC RELL AND HUNSUCKER; NAYES: - NONE) TO ADJUST THE AGENDA TO REVIEW THE 1 SSUE WITH KELLY'S WHITE WATER PARK

MSC (MOTION: LONG, SECOND, STARK; - AYES: K4 WELL AND HUNSUCKER; NAYES: - NONE) TO DIRECT BOARD COUNSEL TO REVIEW THE CASE PROVIDED BY MR. MILLEMANN ON BEHALF OF THE FRIENDS OF KELLY'S WHITEWATER, CONFER WITH THE DIRECTOR AND THEN RESPOND TO MR. MIL'LEMANN ACCORDINGLY.

MSC (MOTION: LONG, SECOND, STARK; - AYES: ORELL AND HUNSUCKER ; NAYES: - NONE) THAT DIRECTOR HOWARD WORK TO PR 7, MULGATE A TEMPORARY RULE DEALING WITH ADDING THE SECTION OF THE J VER FOR OUTFITTING THAT KELLY'S WHITEWATER PARK OPERATES ON.

Next regular Board meeting is scheduled for March 18, 19 a: id 20, 2014 in Boise.

With no further business to come before the Board, Chairmc n Hunsucker adjourned the meeting at 11:15 am., Friday November 15, 2013.


WAYNE HUNSUCKER, CHAIRMAN 3/18/14
Date

ATTEST:


JAKE D, DIRECTOR 3/11
to