

**STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
BOARD CONFERENCE CALL**

FINAL MINUTES

February 18, 2014

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

A SPECIAL MEETING OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD WAS CALLED TO ORDER AT 1:35 P.M. ON FEBRUARY 18, 2014 AS A CONFERENCE CALL ORIGINATING 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, ALEX IRBY AND LOUISE STARK WERE IN ATTENDANCE. ALSO PRESENT WERE OFFICE SUPERVISOR LORI THOMASON, BOARD ATTORNEY ROGER HALES, AND EXECUTIVE DIRECTOR JAKE HOWARD. BOARD MEMBER TOM LONG WAS NOT PRESENT.

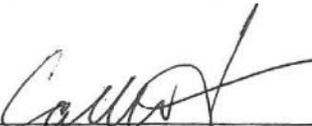
House Bill #468

Director Howard asked the Board for direction on House Bill #468 and the Board discussed a draft letter (*attached*) not supporting it. He explained NB #468 exempts private land owners and their employees from the Outfitters and Guides Act, and prevents licensed outfitters from continuing to be licensed on private land. The Board also discussed the matter with Mr. Bryce Cook who was in attendance.

MSC (MOTION: IRBY, SECOND, KORELL — AYES: STARK AND HUNSUCKER; NAYES: - NONE) TO APPROVE A LETTER TO THE MEMBERS OF THE HOUSE RESOURCES AND CONSERVATION COMMITTEE EXPLAINING THAT THE BOARD DOES NOT SUPPORT HOUSE BILL #468 AND WHY, THAT THE DIRECTOR E-MAIL A COPY TO EACH COMMITTEE MEMBER PRIOR TO THE COMMITTEE HEARING, AND THAT THE DIRECTOR BE PREPARED TO PRESENT THEIR CONCERNS.

Next regular Board meeting is scheduled for March 17 through 19, 2014 in Boise.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 1:45 p.m., Tuesday, February 18, 2014.



WAYN HUN UCK R, CHAIRMAN

/ Date

ATTEST:



JAKE HOWARD, DIRECTOR

3/19/14

Date



Date: February 18, 2014

From: The Idaho Outfitters and Guides Licensing Board

To: Members of the House Resources and Conservation Committee

Governor
C. L. "BUTCH" OTTER

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WAYNE HUNSUCKER
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Members
TOM LONG
Boise

ALE)(IRBY
Orofino

LOUISE STARK
Challis

CHRIS KORELL
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*Helping Protect
Idaho
Natural Resources'*

Dear Representatives:

The Board conducted a conference call meeting this afternoon to discuss House Bill 468 as it relates to the Outfitter and Guides Act. In doing so, we approved this letter and asked Director Howard to provide it you and to be prepared to represent our concerns at tomorrow's hearing. We appreciate the opportunity to provide you with our perspective on the issues raised in this proposed Bill.

HB 468 amends existing law to provide that the definitions of "outfitter" and "guide" shall not apply to activities on private land, and it adds an exemption from the Act for private landowners and their employees who provide facilities or services upon land they own. This bill is sponsored by the Idaho Farm Bureau. The Board does *not* support this Bill. Rather, the Board believes this proposed bill will have a significant adverse affect upon licensed Outfitters and their businesses, upon the public's health and safety, and upon the State's wildlife resources.

The Idaho Outfitters and Guides Licensing Board was established in 1961 by the Legislature at the request of the Outfitting industry, who wanted to add credibility to their profession. The Board is responsible for licensing outfitters and guides in Idaho upon a showing that the individuals are competent, and meet the other bonding and insurance requirements. The Board also verifies that approved activities of a licensed outfitter are appropriate, can be adequately provided in the area requested, and likely would not have an adverse affect upon the State's natural resources, including big game and birds or other users.

The Idaho Outfitters and Guides Act was intended to include private lands. This intent was confirmed by the Idaho Supreme Court in 1992. (See State v Koller, 122 Idaho 409 (1991). The Board's withdrawal of a rule clarifying the outfitter license application process on private lands has been misconstrued as a private property rights issue, which apparently generated the Farm Bureau's rationale for this bill. To clarify, this is not a private property rights issue but rather all persons, including private landowners, have the right to apply for a "Professional License" as an outfitter or guide. In doing so, the Idaho Administrative Procedures Act gives all applicants the right to have their applications handled fairly, the right to a clear decision and the right to appeal any decision. The Board has an excellent history processing private land applications, has had very few appeals and none involving a private land application. A Board decision has *never* been overturned.

HB 468 is likely to bring confusion to Idaho's unique Outfitter Operating Area system to a point where it may no longer be possible to maintain, and it will make the Outfitters and Guides Act difficult to enforce. This bill would also affect Idaho's management of its wildlife and other natural resources, and damage the reputation of Idaho as a premier outfitted hunting/tourism destination. Currently, 72 of the nearly 400 licensed outfitter businesses operate on privately held lands, either deeded or leased. They are licensed to provide a multitude of activities to the public, ranging from hunting of different types of animals and birds to various forms of recreation such as fishing, snowmobiling, trail rides, or zip lines on one of 119 individual operating areas that are often intermingled with other land owners or with state or federal lands. Under the proposed Bill,

February 18, 2014
IOGLB Response to Legislature
HB 468

licensed outfitters would no longer be able to be licensed to operate on leased private land, regardless of the desires of the land owner.

HB 468 would compromise the health, safety and welfare and the benefits that the outfitted public receives through the current system. Licensed outfitters are required to **be** bonded, carry liability insurance and vehicle insurance for providing transportation for their clients. All licensed guides are required to have first aid training, and are properly trained to provide assurance to the outfitted public that their safety, health and welfare are properly accounted for once a client comes under an outfitter's care. The background of each licensed guide is reviewed by the Board prior to licensure, and issues such as a criminal past are addressed with the employer's designated agent being notified.

HB 468 would eliminate the limitations on liability established by 6-1201 et. seq. Idaho Code and enjoyed by all licensed outfitters or guides who operate on private lands. Landowners often utilize licensed outfitters who lease their lands based upon their competency, insurance, bonding and liability protection.

HB 468 would allow private landowners and others to essentially become commercial recreation service providers (outfitters/guides) and receive compensation for services without verification of their competency or without meeting basic standards designed to protect the public. Of course the existing licensed outfitters and guides meet these qualifications. Professional licensing builds consumer confidence. If HB 468 is approved, many reputable Idaho outfitter businesses will **be** devalued.

It is also reasonable to assume that this bill will further limit access to private land for the general non-guided sportsman.

Respectfully,

Jake Howard
Executive Director