

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

**DRAFT MINUTES**

**June 18, 2015**

**(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 8:30 A.M. ON JUNE 18, 2015 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), TOM LONG, GEORGE MCQUISTON, LOUISE STARK, AND BOB BAROWSKY WERE IN ATTENDANCE. ALSO PRESENT WERE EXECUTIVE DIRECTOR, JAKE HOWARD; OFFICE SUPERVISOR, LORI THOMASON; BOARD ATTORNEY, ROGER HALES AND EDUCATION/ENFORCEMENT SUPERVISOR, RANDY WADLEY.**

**Agenda** - Director Howard reviewed the agenda.

**Director's Report – Clearwater / Nez Perce NF, Bear, Cougar and Wolf Management Plan** - Director Howard explained to the Board that there have been 8 applications for the 2016/2018 Cycle for overlaps that need to be approved. He said he hoped to setup a meeting with the USFS/IDFG to do so later in the summer. He explained outfitters have not reported their use properly in this last cycle and some follow up is needed for review at this meeting. **Prospectuses** - There has been interest from people who want to be licensed as Outfitters on the Clark Fork River, Lake Pend Oreille, and Lake Coeur d'Alene and that there are several vacancies and a prospectus is being considered to fill them. Jim Fredrickson from Idaho Fish and Game sent a letter in May explaining that the Clark Fork River and its tributaries have recently been opened for year-round fishing, with the period from December 1 until Memorial Day weekend being catch and release for rainbow trout. Mr. Fredrickson explained that is relatively new catch and release fishery for trophy size Gerrard (aka Kamloops) rainbow trout is becoming increasingly popular. To address various concerns with that fishery the recommendation is that with two existing outfitters on the river and two prospectus opportunities that there be limits set for guided activity for the period of March 1<sup>st</sup> through May 15<sup>th</sup>. Director Howard said that they had discussed each outfitter be limited to no more than three rods per day and 30 user days for the ten week period. This is for the next 3 to 5 years which will provide IDFG with an opportunity to gauge resource conflict and adjust the limits or eliminate them if they prove unnecessary. He said he will contact the two existing outfitters about this matter and if needed an operational adjustment hearing will be scheduled before moving forward. **Federal MOU Meeting** - Director Howard is working on scheduling the federal agency MOU meeting regarding updates to the MOU, a discussion over compliance with the MOU and state wide training for permit administrators on the procedures. This meeting is planned for September or October. **Idaho Fish and Game MOU** - IDFG has a group working on updates to the MOU between IDFG and IOGLB which the Director said the hope is to have some discussion points ready for the Board at its August meeting. **Supreme Court Hearing** - Director Howard explained that in April he and the Board Chairman had attended the Podsaid appeal in Lewiston. He said a decision has not been handed down as of the meeting. **Clearwater/Nez Perce Annual Meeting** – Office Supervisor, Lori Thomason, Board Chairman Wayne Hunsucker and Director Howard attended the annual meeting held in Kamiah on April 20<sup>th</sup> this year. Director Howard gave a brief

presentation at the meeting. **Northern Region Forest Service Meeting** -The Board Chairman and Director participated in the North Region Forest Service work shop training in Missoula, Montana in which the Director was asked to participate on a panel dealing with outfitter licensing in Idaho and Montana. **RDI Contract** - The contract with RDI who is IOGLB's data base contractor will expire in June and IOGLB is required to disseminate a PSO inviting bids. Director Howard said he met with the State Division of Purchasing to understand why state agencies must go through this process so frequently and reported it is state law in order to avoid conflicts of interest, to create fair and reasonable opportunities for other interested parties and it is a good check and balance to help keeps cost in line. He said he although it is time consuming for the staff to do this, it is a good practice for a public agency to follow. **Policy 2032-15** - This policy has been clarified to include the river sections and river system and that licenses issued prior licenses up March 2015 Board meeting would be grandfathered and would not require an additional outfitter license. There was discussion whether policy 2032-2015 was going to bring additional insurance costs to outfitter. Lori Thomason said depending on the type of business being licensed this may be the case but for the most part probably not. The Director reminded the Board that this was not a new requirement, but rather a clarification in order to bring consistency in issuing outfitter licenses. **Policies** – Director reported his progress reviewing existing policies had been dampened by a busy spring. He said several matters involving the SC-NF and IOGA's proposed changes to Big Game Tag allocation have taken considerable time. He said there is a considerable amount of duplication in the policies requiring consolidation and some that are no longer relevant that should be redacted. He said he hopes to have a final report for the Board at its August meeting. **Staff Update** - Director Howard said that he had implemented those matters discussed with the Board at earlier meetings including bringing staff salaries closer to midpoint, the purchase of a water cooler and that a staff in service training would be conducted in July highlighted where the BLM would host the staff on a tour of the South Fork of the Snake.

**MSC (MOTION: LONG, SECOND BAROWSKY; AYES: - STARK, MCQUISTON AND HUNSUCKER; NAYES: -- NONE) TO ADOPT THE CLARIFIED CHANGES TO POLICY 2032-2015.**

**Office Supervisor's Report – End of Year Licensing Projections** - Office Supervisor Lori Thomason explained that there are 19 outfitters that have not renewed for the 2015 license year. Several of those are in the process of renewing. Ms. Thomason stated that reminder postcards were sent to each outfitter on December 31, 2014, February 11, 2015 and May 12, 2015. A phone call was also made to each outfitter last week reminding them that their license will relinquish as of July 1, 2015. The Director said it looks like IOGLB will lose 15 outfitter licenses due to the new private land law that was passed last year. He said that 6 consolidations were also addressed and licenses maintained based on the new policy. **Controlled Tags** - Susan Knapek entered the meeting to explain the two issues with controlled hunt tags. IDFG removed fish and game unit #37 from controlled hunt area #29 for deer. Ms. Knapek stated that she recalculated and gave one tag to Seeks Out Adventures and one to Rawhide Outfitters. After further review, the Director determined that the recalculation was unnecessary because the existing outfitter was licensed in the controlled hunt area and removal of unit #37 did not affect his licensed area. Consequently, both tags should have remained with Seeks Out Adventures. Ms. Knapek then explained that the 4 outfitted controlled hunt tags for deer in hunt area #13 that previously had been allocated to Idaho Outdoor Wilderness had been reallocated incorrectly. For the following reason: Idaho Outdoor Wilderness sold their business to Heaven's Gate Wilderness Adventures. These tags were given to Heaven's Gate Wilderness Adventures; however, they did not acquire the area where those tags were associated and were not licensed in hunt area #13. The Board asked the Director to further research the matter and to make the decision to which outfitter licensed in hunt area #13 should get the tags.

**Education and Enforcement Supervisor's Report – Overview** - Mr. Wadley summarized cases and investigations from January 1, 2015 to June 10, 2015. **Fines Paid** - Chief Wadley reported that Outfitter, Gary Stueve had paid the remaining \$5000 of his fine and that his 2015 license has been issued.

**Enforcement Staffing** – Director Howard explained that a part-time clerical person has been hired to help with the enforcement work load. He said with Education and Enforcement Chief Wadley working part-time some additional support was needed in the office. He said that the need for this person was partly brought about due to the number of guide licenses being submitted where past violations were not reported by the Outfitters. He said costs would be covered by the difference in savings with Mr. Wadley working part time.

**Financial Report** – The Board reviewed the financial report for March, April and May. Director Howard provided the Board with the end of year projections now through May and stated that around \$82,000 dollars may not be used and will likely be turned back into the agencies free fund account.

**MSC (MOTION: STARK, SECOND BAROWSKY; AYES: - LONG, MCQUISTON AND HUNSUCKER; NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORT FOR THE MONTHS OF MARCH, APRIL AND MAY AS PRESENTED.**

Consent Agenda – The Board reviewed the consent agenda.

**MSC (MOTION: LONG, SECOND – STARK, AYES: BAROWSKY, MCQUISTON, AND HUNSUCKER; NAYES: -- NONE) TO APPROVE THE CONSENT AGENDA AS PRESENTED.**

**Big Game Tag Allocation Discussion** – *Present for the discussion were Jeff Bitton, Darl Allred, John May, Grant Simonds, Janie Bruesch representing IOGA; Brad Compton, representing IDFG and Outfitter, Mike Branson.*

The Director explained that at its March meeting, representatives from the Idaho Outfitters and Guides Association (IOGA), (*an outfitter and guide trade association in Idaho*), brought to the Board's attention their interest in revising the current processes used to distribute allocated capped zone tags. Director Howard said that at the meeting, the Board discussed the following important concern: In order to be creditable, outfitter use reports should include the hunter names, pertinent contact information, license and tag number and etc., rather than unsubstantiated user numbers. The current vouchered tag process is the basis for verifying historical use as well as for recalculations which are required every 5 years in order to distribute these tags. Additionally, the Board discussed how to keep administration of the capped zone tag process simple from both an IOGLB and an IDFG perspective, whether the proposed changes were financially possible, the legal implications of changes to outfitters currently holding capped zone tags, and that input from all users should be taken into consideration by the Board before any changes are implemented.

Director Howard also explained that the Board asked the IOGA representatives to provide suggested changes in writing prior to the June 2015 meeting, which they have done. Director Howard said that IOGLB staff and he had met with the IOGA's work group and with IDFG representatives and then again with IDFG separately. He said that he and Office Specialist II, Susan Knapek, who handles day to day allocation matters have spent considerable time revising the Allocation Manual and particularly parts involving the capped zone tag process; in doing so, clarifying parts of it and developing a new validation process in order to begin the transition into a new allocated tag/hunting use reporting system with IDFG. He provided to Board members a draft copy of the staff's updated Allocation Manual and a similar document outlining changes proposed by IOGA and mentioned those documents would be posted on the Board's website.

Director Howard also provided a document from D.R. Bledsoe from the OX Ranch, Seven Devils Lodge concerning changes Mr. Bledsoe would like to see to the controlled tag process. He said it was not relevant to the current discussion regarding that capped zone tags, but the Board might consider Mr. Bledsoe's ideas should it decide to consider changing controlled tags process at some point in the future.

The Chairman recognized outfitter and IOGA work group member, Jeff Bitton who highlighted IOGA's proposed changes for the Board members.

The Director stated that he felt IOGA's suggestions were largely three fold:

1. IOGA proposed changing the date surplus pool tags are available to all licensed elk outfitters from the last week in July to March 1 and to allow all outfitters licensed for elk with or without allocated historic use in a given zone to have access to the surplus pool beginning March 1.

It was pointed out that both staff and IDFG personnel believe making surplus pool tags available to all outfitters licensed for elk hunting in addition to making them available March 1st should alleviate most concerns with the Allocated tag program. This allows all outfitters three additional months to market their allocated tags, an opportunity to build individual allocation for their businesses, and it will allow many more industry allocated tags to be used rather than be returned to IDFG.

2. IOGA proposed changing the zone tag voucher process currently in place.

It was pointed out that both IOGLB staff and IDFG personnel believe it is important to reiterate that it would be best to use verified information to manage capped zone allocation for the initial calculation and afterwards, and that this includes managing the surplus pool. The Board Chairman pointed out this change would not be beneficial at a time when the Board has decided improved accuracy is necessary. It was discussed that changing IOGLB's current use reporting system where IOGLB would be able to obtain verifiable use for all hunting is possible, but that doing so was not realistic at the current time for several reasons.

- a. Mailing blank vouchers to outfitters as suggested by IOGA has not worked in the past, and was eventually changed to the current process.
- b. Any changes in developing the new documents used to retrieve or record all tag use in a data system and to verify it with IDFG would create additional work load issues for staff. This may also create work load issues for IDFG.
- c. Cost and timing issues for IOGLB's IT Contractor to develop an online data system were insurmountable and even then interface with IDFG would be necessary.

Director Howard said there have been preliminary discussions with IDFG about developing an on-line outfitter hunting/allocated tag reporting system which would address most, if not all, concerns. This system, once it is developed, would replace the voucher reporting system as well as most annual use reports for the hunting portion of the industry. He said it too will take time, but doing this would be a much preferred alternative.

3. IOGA proposed eliminating the validation process.

The Director said a revised validation process to begin the transition into the aforementioned new system would be a better alternative, and one which may be possible to be developed cooperatively with IDFG. He explained there was an example in the staff's updated handbook. He said that this needed some additional thought and revision.

The Director said that some outfitters have expressed concern that changes in Allocation Policy could impact their historical allocation of tags. He reminded the Board that the Big Game Tag Allocation process is currently in policy and not a rule, and as such it does not clearly have the force and effect of law other than as generally directed via a Board order. As such, he said it is important for the Board to recognize there is no emergency, and nothing should be implemented at this point without careful consideration of input from the industry generated by the Board.

Director Howard recommended that staff finalize item #1 for suggested implementation for the upcoming allocation cycle, and make the hunting industry aware of the Board's intentions with the intent of collecting industry input for the Board to consider at its August meeting so the Board might make a decision.

He also recommended that at the same time staff summarize item #2 and #3, and make the hunting industry aware of the Board intentions with the intent of providing industry input to the Board at its August meeting so the Board might provide further direction. Along with the Board, direct staff to continue working with IDFG to implement the new online reporting system.

**MSC (MOTION: LONG, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK AND BAROWSKY; NAYES – NONE) TO DIRECT DIRECTOR HOWARD TO MOVE FORWARD AS RECOMMENDED ALLOWING ACCESS TO THE SURPLUS TAGS BEGINNING MARCH 1<sup>ST</sup> AND ALLOWING OUTFITTERS WHO HAVE BEEN LICENSED FOR ELK IN A CAPPED ZONE AND WHO HAVE NOT HAD ALLOCATION TO NOW BE ABLE TO ACCESS THE POOL TAGS.**

**Update USFS/BLM Resource Management Plan /Eastern Idaho River Rules** – Jeremy Casterson, Upper Snake Field Office, BLM and Tracy Hollingshead District Ranger on the Palisades Ranger District – participated by phone – Mr. Casterson and Ms. Hollingshead stated that they were comfortable with the Board moving forward with its rule making process. Director Howard stated that the Board will move the draft rules process forward for the August meeting.

Director Howard also mentioned the staff training scheduled on July 27, 28 and 29 on the South Fork, and that he looks forward to having Jeremy and Tracy participating with the staff in that exercise.

*Recessed for lunch at 11:55 p.m. Meeting reconvened at 1:35 p.m. with all listed above present.*

**Jeff Wieber – Guide License Deferral/Disciplinary Hearing** - A Guide License Disciplinary 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 by board policy Director Howard had deferred Mr. Wieber's guide license renewal application due to the Enforcement Division's review of an IDFG flagrant criminal conviction which Mr. Wieber and Kelly Jo Finley plead guilty to taking an elk l out of season. Mr. Wieber is seeking a guide license to work for Exodus. Mr. Wieber testified and certain exhibits were introduced into evidence. Enforcement Chief Randy Wadley testified regarding past convictions, flagrant fish and game violation, and made recommendations. It was agreed per Director Howard that he be assessed a \$1000 fine to be paid in full by September 1, 2015.

**MSC (MOTION: STARK, SECOND, BAROWSKY; AYES - HUNSUCKER, AND MCQUISTON; NAYES – NONE) TO FIND THAT MR WIEBER AND MR FINLEY DID UNLAWFULLY TAKE AN ANIMAL OUT OF SEASON.**

**MSC (MOTION: LONG, SECOND, BAROWSKY; AYES – HUNSUCKER AND STARK; NAYES – MCQUISTON) TO SUSPEND MR. WIEBER'S GUIDE LICENSE FOR ONE YEAR UNTIL JUNE 18, 2016, PAY A \$1000.00 DOLLAR FINE, A \$50.00 SPECIAL PROCESSING FEE AND TO WORK WITH THE EXECUTIVE DIRECTOR ON PAYMENT DETAILS.**

**Kelly Jo Finley – Guide Disciplinary/Administrative License Hearing** - A Guide License and administrative hearing was conducted before the Board by the Board's prosecutor, Mike Kane. The applicant failed to appear before the Board. Prosecutor Kane advised that certified mail sent and verified to Finley and explained that with contact with Mr. Weiber had received and advised was not going to appear

