

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

DRAFT MINUTES

CONFERENCE CALL

August 26, 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 AUGUST 26, 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), GEORGE MCQUISTON, LOUISE STARK, AND BOB BAROWSKY PARTICIPATED IN THE CONFERENCE CALL. ALSO PRESENT WERE EXECUTIVE DIRECTOR, JAKE HOWARD; OFFICE SUPERVISOR, LORI THOMASON; BOARD ATTORNEY, ROGER HALES, AND EDUCATION/ENFORCEMENT SUPERVISOR, RANDY WADLEY. BOARD MEMBER TOM LONG WAS ILL AND WAS EXCUSED.

Agenda - Director Howard reviewed the agenda and explained that the meeting was changed to a conference call due to staff illness and due to the limited number of matters needing Board attention not warranting travel costs. He also said that he had planned to have Lori Thomason and Susan Knapke update the Board on the allocation manual during the Office Supervisor's report, but felt that it might be better to do so subsequent to the Fish and Game MOU discussion due to Brad Compton's involvement.

Director's Report – Budget Proposal – Director Howard provided a copy of FY 2017 agency budget request. He explained it, as it has been for the past 8 years, was a maintenance budget but with two exceptions this time to fund a one-time request for funding to address a specific staffing matter should the need to do so present itself. He said that if it does not, that money would not be spent, would roll back into the agency's free fund account balance and would be available for future appropriations. **Staff training** – Director Howard explained that the staff participated in a training trip on the South Fork of the Snake River where Monica Zimmerman and Jeremy Casterson from the BLM, and Tracey Hollingshead from the USFS discussed the rules currently under consideration. The staff was also able to see firsthand some of the access points under considerations as well as the interaction between the outfitted and non-outfitted public. A session was also provided by Heise Outfitters on their zip lines Tour facility and operation which is a licensed activity that is still fairly new in Idaho. The staff also viewed the parts of the Henry's Fork and Teton Rivers which are also part of the rule under consideration; and Craters of the Moon National Monument and Silver Creek where outfitters are currently licensed. **Clark Fork River**- the Director said that several applications for two vacancies on the Clark Fork River along with recommendations from the Panhandle Region Supervisor, IDFG that the two existing outfitters on that river as well as any new outfitters be limited during the new catch and release fishery for Gerrard rainbow trout for the period of March 1st through May 15th. He said that he had written the two existing outfitters along with those who had applied regarding the proposed limits and had asked for their written comments which were submitted in late July. He said that he had not had an opportunity to fully review them or to discuss this overall matter with IDFG before the meeting. The Board asked the Director to provide a recommendation at its November meeting. **Lake Pend Oreille** - the Director mentioned there is also interest in Lake Pend Oreille where there is one opening. He said that he intended to move forward with a prospectus to fill that

one opportunity, but would be clear it did not include the Clark Fork River which flows into the lake and where the aforementioned applicants are interested in both. He also mentioned that the Board had decided in 1994 where it had limited the total number of outfitters on the lake to nine (9) based on recommendations from IDFG and that number needs to be put into rule. **Lake Coeur d'Alene** - the Director mentioned there is one opening and interest. He explained that the prospectus will be issued jointly with the Lake Pend Oreille prospectus. **Clearwater/Nez Perce Bear Cougar and Wolf Management Plan** - Director Howard explained that Board Chairman Hunsucker, Board member Barowsky and he met with Clearwater/Nez Perce National Forest and IDFG representatives regarding the continuation of the Clearwater Bear, Cougar and Wolf Management Policy. He said the initial concept came about as a temporary initiative proposed by the IDFG to have outfitters increase harvest of Bears, Cougars and Wolf in several IDFG units to help increase elk calf survival. He said that he is now approaching ten years being temporary. He said that there was agreement at this meeting that this effort will continue for the next three year cycle beginning in 2016 but there will be emphasis put on the outfitters in the specific units identified to participate and overall to increase the harvest numbers which had fallen recently. **Federal MOU Meeting**-Director Howard explained that he is going to be scheduling the Federal MOU meeting sometime in November once the Fire season has calmed down. **Salmon Challis National Forest** – Director Howard brought matters to the Board's attention involving the Salmon Challis National Forest. Several members said that they have had concerns expressed elsewhere. The Board discussed that it has an MOU with the Forest Service which is about to be updated and in doing so might involve the Salmon Challis NF Supervisor. **Bitterroot Outfitters** – The Director discussed matters involving an amendment intended where the outfitter will provide ingress and egress to this outfitter's land-based areas using a power boat from the Salmon River (SA-6) for hunting purposes where the outfitter is licensed and federally permitted to do so. He said there is a question as to what constitutes the licensed outfitter businesses. It was discussed as per policy: 2032-2015 - *Setting Territorial Limits on Outfitter's License* the SA-6 power boat limit would be linked as an activity to those hunting areas adjoining the Salmon River as well as those areas to which the outfitter gained access from the Salmon River via this SA-6 license activity and largely be one business. The Board also discussed that it is very unusual for a federal agency to initiate an amendment to an outfitter license such as appears to have happened in this instance. **Policy Organization/Consolidation on the Website**- Director Howard stated that he has not completed the organization of those policies and will try to have it completed by the November 2015 meeting. **Data Services Contract**- Director Howard explained that the IOGLB data provider contract had expired that he and several staff members had worked through the State's POS process and the contract was awarded again to RDI. **Guide Licensing** - The Director provided the Board an Analysis and Recommendation document where he explained policy 3007 – 2014 and that staff has been following it. He said that in doing so, rule 25.01.01.064.01.a states: *The Executive Director may grant and issue all routine temporary authorizations, license applications, amendments and related matters when the applicant does not have any convictions for fish and game violations or other violations of the grounds enumerated in Section 36-2113(a), Idaho Code, has not falsified or provided any misleading information to the Board, and otherwise qualifies for licensure.* He said that someone doing so is potentially in violation of the Outfitters and Guides Act. The Director pointed out that of the 1823 guides licensed between January 1st and July 1st, 2015, 246 have criminal litigation issues of which 177 have not disclosed that litigation. This involves 106 outfitters of which nearly half employ two or more guides where this information has not been disclosed and with some outfitters there are as many as 10 guides. He said that this was largely related to the on-line system and related processes. He explained that in many instances someone other than the guide is answering the litigation questions and submitting the guide's application and essentially endorsing it. It was discussed that whoever is completing the application and answering these questions needs to be identified and held accountable. He pointed out that this is an important matter because guides are an outfitter business's primary service provider to the public. As such, the public as well as other outfitters are expecting those providing services to them or for them to be screened and to be conscientious, safe providers caring for their wellbeing often in remote hazardous locations. He explained the intent of this discussion was to make the Board aware of the problem and that in moving forward, there are some related administrative concerns that

were summarized in the document. He said that he'd be looking at modifying the licensing system and processes into making it work better in the future. There was some follow up discussion. **EIS Comment** – The Director Howard said that he had been contacted by a USFS Official regarding IOGLB commenting on an EIS which is being done to allow IDFG to manage wildlife resources in the Salmon Challis NF involving a helicopter. Board member Hales pointed out that the Board is an executive branch agency and comments should reflect those of the Governor. It was discussed that several times in the past the Board has elected to not comment on federal outfitter permit issues due to the Board's related responsibility on such matters. Board member McQuiston mentioned that IOGA might be better to provide a comment for the industry. Board Member Stark supports contacting the Governor's office and asking that we give comment due to the resource management conservation responsibilities of the Board. The Director said that he felt this matter was a resource management issue of concern to all Idahoans and including the industry but anything specific to federal outfitter permits or state licensing. Board member Barowsky said that he felt the Board should respond if the Governor's office feels it is appropriate. **MSC (MOTION: BAROWSKY, SECOND STARK; AYES: - MCQUISTON AND HUNSUCKER; NAYES: -- NONE) THE BOARD RECOGNIZES THE BENEFIT OF IDAHO FISH AND GAME TO BE ABLE TO UTILIZE VARIOUS TOOLS FOR THE CONSERVATION OF WILDLIFE RESOURCES IN THE STATE AND TO DIRECT DIRECTOR HOWARD TO FOLLOW UP WITH THE GOVERNOR'S OFFICE TO DETERMINE THE GOVERNOR'S OFFICE POSITION SHOULD THE IOGLB BE ASKED.**

Office Supervisor's Report – Vacated 2015 Licenses - Office Supervisor Lori Thomason provided the Board with the list of vacated licenses for 2015, identifying the outfitters, the activities that they were licensed to provide and whether they were on private or public lands.

Education/Enforcement Supervisor's Report – Mr. Wadley summarized cases and investigations from January 1, 2015 to August 10, 2015. One case has been rescheduled for the November meeting unless the guide chooses to stipulate.

Financial Report – The Board reviewed the financial report for May, June and July. Director Howard provided the Board with the Ten Year Expenditure Summary. Director Howard also discussed the costs and concerns dealing with maintaining the data system. **MSC (MOTION: STARK, SECOND BAROWSKY; AYES: - MCQUISTON AND HUNSUCKER; NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORT**

Consent Agenda – The Board reviewed the consent agenda. **MSC (MOTION: BAROWSKY, SECOND STARK; AYES: - MCQUISTON, AND HUNSUCKER; NAYES: -- NONE) TO APPROVE THE CONSENT AGENDA AS PROVIDED**

Idaho Department of Fish and Game MOU draft review - Brad Compton with IDFG appeared to discuss the MOU between the Board and IDFG. Mr. Compton stated that the old MOU had expired and needed to be revised, to make it consistent with MOUs with other sister agencies as well as to continue the working relationship between IOGLB and IDFG. Mr. Compton said that input was provided by an IDFG working group comprised of headquarters staff and those in regions that have a large number of outfitters in them. He said this brought some perspective on how the MOU could be improved. The Director complimented IDFG on revisions that were proposed. Mr. Compton said that he had discussed with Director Howard the possibility of adding as one of the "whereas" introductions to the MOU an overview of economic benefits to Idaho provided by both the Fish and Wildlife managed by IDFG and those of the Outfitting Industry managed by the IOGLB. The Director said that there was some draft language in the MOU that had been provided concerning economic values but that he felt he may have overestimated the industry part. He invited IOGA to provide their perspective on the economic value that outfitters provide to the State of Idaho annually. Mr. Compton wanted to make sure that the Board understands that the

IDFG Commission has not seen the revised MOU and won't comment on it until their conference call meeting in October. There was some discussion about the Director and Board member, Barowsky being available for that call to answer questions. The Board said it would like to schedule its joint meeting with the FG Commission possibly at the Commission's meeting in November which coincides with the Board's next meeting where the MOU might be finalized. **MSC (MOTION: STARK, SECOND; MCQUISTON AYES: - BAROWSKY AND HUNSUCKER; NAYES: -- NONE) TO ADOPT THE MOU AS CURRENTLY PROPOSED WITH ADDITIONAL CONSIDERATION AS IT MOVES FORWARD TO THE FG COMMISSION.**

Allocation Hand Book – Office Supervisor Thomason stated that the Allocation Handbook has been reorganized and several previously discussed changes have been incorporated. Director Howard stated that the survey of all outfitters and DA's (87total) involved with zone tags had been conducted and with a 10% response. The one common theme of those that responded was they want to protect their historical use. There was no suggestion of the process being overly complicated as suggested in earlier meetings. It was discussed that the most significant change is allowing surplus pool tags to be available to all outfitters licensed for elk in the zone to have access these pool tags beginning March 1st. This has been moved up from the last week of July. It was noted that this will allow many of the tags not previously used to now be used which has been a fundamental concern. The Director pointed out that doing so will help more outfitters build historical use so they will qualify during future recalculations to receive allocated tags and that this will largely solve the problem of tags being returned to IDFG which was also a concern expressed at earlier meetings. Mr. Compton stated that IOGLB staff and IDFG will work this winter to try and determine a way to incorporate into IDFG's on-line licensing system was to improve some aspects of allocation and use reporting. He said this would move away from the paper copies which are for lack of a better term old school and need to be updated at least for the big game tags species. Mr. Compton stated this would help make use reporting relative to allocation easier and most importantly, allocated tag use clearly verifiable. Discussed followed that this would also help distinguish between resident and non-resident tag use which has been important to the IDFG. Mr. Compton said the cost may dictate whether IDFG can incorporate this into their online licensing system on its own, whether doing so may require some financial involvement from IOGLB. Director Howard said moving forward with the more comprehensive use/accountability system involving IDFG which can hopefully be put in place in the next 18 months or so, makes sense. He said anything that is going to impact an outfitter business's historical # of tags outside of the current historical allocated tag use particularly in a zone where all allocated tags have been committed or using non allocated tags in a historical recalculation is going to take some additional thought from a legal/administrative perspective. Ms. Thomason mentioned that the question/answer section in the handbook still needs to be revised and that the staff will have them ready for the November Board meeting. The Director asked the Board to review the document and to provide any comments they might have ASAP. He said that the Board would be asked to approve this policy manual at its November meeting.

Eastern Idaho River Rules – Jeremy Casterson, Manager– Upper Snake Field Office, BLM - participated by phone. The draft rule provided is the one that the Board is going to move forward with. The Forest Service and BLM have analyzed all the public comments that were received; there was overwhelming support for limiting the outfitter use. The majority of the comments were on the South Fork. Three changes were made from the original draft or the preferred alternative. Monica Zimmerman from the BLM also participated by phone and went over the changes. The BLM and Forest Service still have some additional analysis needing to be done dealing with other unrelated matters to the Outfitter Rules but plans to adopt these rules later this year in coordination with the Board. **MSC (MOTION: MCQUISTON, SECOND STARK; AYES: - BAROWSKY AND HUNSUCKER; NAYES: -- NONE) TO APPROVE THE RULES AS A PROPOSED RULE WITH THE CHANGES SET FORTH TODAY AND AUTHORIZE THE EXECUTIVE DIRECTOR TO TAKE THE STEPS NECESSARY TO SUBMIT THEM FOR THE 2016 LEGISLATIVE SESSION.**

Board Meeting Minutes
August 26, 2015

The next Board Meeting date has been tentatively set for November 18, 2015 and possibly in coordination with the IDFG Commission.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 11:35 a.m., Wednesday, August 26, 2015.

WAYNE HUNSUCKER, CHAIRMAN Date

ATTEST:

JAKE HOWARD, DIRECTOR Date