

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

DRAFT MINUTES

November 18 - 19, 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 8:00 A.M. ON WEDNESDAY, NOVEMBER 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), GEORGE MCQUISTON, LOUISE STARK, TOM LONG AND BOB BAROWSKY WERE PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR, JAKE HOWARD; OFFICE SUPERVISOR, LORI THOMASON; BOARD ATTORNEY, ROGER HALES; BOARD PROSECUTOR, MIKE KANE, AND EDUCATION/ENFORCEMENT SUPERVISOR, RANDY WADLEY.

Agenda - Director Howard provided an overview of the agenda. He reminded the Board of the social hour/dinner in Hailey, Idaho with the Idaho Fish and Game Commission at 5:00 p.m. and explained that the Board needed to recess by 2:00 p.m. in order to travel to that event. He said that there would be no business conducted, and that a joint business meeting was scheduled for the next morning with the Commission to discuss and finalize the MOU with them.

Eastern Idaho River Rules, Adoption - Jeremy Casterson, Manager, Upper Snake Field Office, BLM, participated by phone and Monica Zimmerman from that same office was present. Tracey Hollingshead, with the Palisades District Ranger, USFS was not able to participate. Director Howard pointed out there were two comments submitted in response to the State rule making conducted by the Board, and that both were from licensed outfitters on SS-1 concerning that section. Natural Retreats, LLC suggested leaving rules as they have been in the past where guide boats have been allowed to overlap in certain sections to accommodate launches. The Lodge at Palisades Creek who had been grandfather in due to their existing license for waterfowl hunting on SS-1, requested the expansion of the rule to four boats on sections A and B for waterfowl hunting. Ms. Zimmerman stated that the BLM would like to leave the rules as proposed for compliance reasons with the exception of adding two additional boats to the SS-1 rule on Sections A and B for the waterfowl hunting would be appropriate. After discussing the matter with the BLM representatives present, the Board determined that the rules had been well vetted with both the general public and existing outfitters. They also discussed that the concept of overlapping was difficult to enforce and there were concerns from the public regarding the number of guide boats in a given section. They concluded the purpose of the rule was to clarify the sections and Natural Retreats' interest was contrary to that purpose. Director Howard said he felt that due to opposition to waterfowl hunting in an earlier rule making, expanding waterfowl hunting could be problematic beyond what was initially discussed in the rule, but he felt that the clarification of 2 boats in these sections would be within the frame work of what was intended when that waterfowl opportunity was initially licensed and when the rule was drafted. He was asked to review the outfitter's use and reported to the Board later in the meeting that the historical use that outfitter had reported was well within this limit and the rule with this clarification allowed for some reasonable growth. **MSC (MOTION: STARK, SECOND, LONG; AYES - HUNSUCKER, MCQUISTON AND BAROWSKY; NAYES – NONE) TO ADOPT THE EASTERN IDAHO RIVER RULES WITH**

THE ADDITIONAL CHANGES TO ALLOW TWO ADDITIONAL BOATS ON SECTIONS A AND B OF SS-1 FOR WATERFOWL HUNTING.

Christopher Bolz – Guide License Hearing - A guide license hearing was conducted by the Board's prosecutor, Mike Kane. Christopher Bolz, the applicant was identified and placed under oath. Mr. Kane explained that Director Howard by board policy had deferred Mr. Bolz's guide license application due to the Enforcement Division's review of recent criminal convictions not disclosed on his application, totaling 50 points. Mr. Bolz is seeking a guide license to work for Boulder Creek Outfitters, Inc. Mr. Bolz testified and certain exhibits were introduced into evidence. Randy Wadley, Idaho Outfitters and Guides Licensing Board's Education and Enforcement Chief also testified to the convictions. **MSC (MOTION: LONG, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK AND BAROWSKY; NAYES – NONE) TO APPROVE A GUIDE LICENSE FOR MR. BOLZ.**

Seth A Placzek – Guide License Hearing - A guide license hearing was conducted by the Board's prosecutor, Mike Kane. Seth A. Placzek was identified and placed under oath. Mr. Kane explained that Director Howard by board policy had deferred Mr. Placzek's guide license renewal application due to the Enforcement Division's review of recent criminal convictions not disclosed on his application, totaling 85 points. Mr. Placzek is seeking a guide license to work for Lockey U Outfitters, LLC. Mr. Placzek testified and certain exhibits were introduced into evidence. Randy Wadley, Idaho Outfitters and Guides Licensing Board's Education and Enforcement Chief also testified to the convictions. **MSC (MOTION: MCQUISTON, SECOND, STARK; AYES - HUNSUCKER, LONG AND BAROWSKY; NAYES – NONE) TO APPROVE A GUIDE LICENSE FOR MR. PLACZEK.**

Michael French– Guide License Disciplinary Hearing - A disciplinary guide license hearing was conducted by the Board's prosecutor, Mike Kane. Michael French was identified and was placed under oath. Mr. Kane explained that Director Howard by board policy had deferred Mr. French's guide license application due to the Enforcement Division's review of recent criminal convictions not disclosed fully on his application totaling 85 points,. Mr. French is seeking a guide license to work for Heaven's Gate Wilderness Adventures LLC. Randy Wadley, Idaho Outfitters and Guides Licensing Board's Education and Enforcement Chief also testified to the convictions. Certain exhibits were introduced into evidence **MSC (MOTION: BAROWSKY, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK AND LONG; NAYES – NONE) THE BOARD FINDS THAT MR. FRENCH VIOLATED BOARD RULES OF UNPROFESSIONAL CONDUCT.**

MSC (MOTION: MCQUISTEN, SECOND, BAROWSKY - HUNSUCKER, STARK AND LONG; NAYES – NONE) TO LICENSE MR. FRENCH WITH A ONE YEAR RESTRICTED PROBATION AND A \$600.00 DOLLAR FINE. THE PROBATIONARY PERIOD IS FROM NOVEMBER 17,/2015 TO NOVEMBER 17,/2016. THE FINE IS TO BE PAID IN SIXTY DAYS.

Michael Oldham – Stipulation and Consent Agreement for Informal Disposition – MSC (MOTION: LONG, SECOND, STARK; AYES - HUNSUCKER, MCQUISTON AND BAROWSKY; NAYES – NONE) TO ACCEPT THE CONSENT AGREEMENT AS PRESENTED AND A \$200.00 FINE

Russell Randall – Guide License Hearing - - A guide license hearing was conducted by the Board's prosecutor, Mike Kane. Russell Randall was not present for the Board meeting. Mr. Kane explained that Director Howard by board policy had deferred Mr. Randall's guide license application due to the Enforcement Division's review of recent criminal convictions not disclosed on his application. Mr. Randall was seeking a guide license to work for Evelyn Kaide, Guide Shop (Clearwater Drifters). Randy Wadley, Idaho Outfitters and Guides Licensing Board's Education and Enforcement Chief also testified that Ms. Kaide sent an email dated October 15, 2015 asking that Mr. Randall's guide application be

withdrawn. **MSC (MOTION: STARK, SECOND, MCQUISTEN; AYES - HUNSUCKER, LONG AND BAROWSKY; NAYES – NONE) TO DENY MR. RANDALL’S GUIDE APPLICATION.**

Jonathan Warren – Guide Disciplinary License Hearing - A guide disciplinary license hearing was conducted by the Board’s prosecutor, Mike Kane. Jonathan Warren did not appear before the Board. Mr. Warren did not provide the Board with a current address. Mr. Kane explained that Director Howard by board policy had deferred Mr. Warren’s guide license application due to the Enforcement Division’s review of recent criminal convictions not disclosed fully on his application totaling 55 points,. Mr. Warren is seeking a guide license to work for BDF, LLC. Randy Wadley, Idaho Outfitters and Guides Licensing Board’s Education and Enforcement Chief also testified that BDF, LLC called October 20, 2015 and asked that Mr. Warren’s license application be withdrawn. **MSC (MOTION: STARK, SECOND, MCQUISTON; AYES - HUNSUCKER, BAROWSKY AND LONG; NAYES – NONE) TO DENY MR. WARREN’S GUIDE LICENSE APPLICATION.**

MSC (MOTION: STARK, SECOND, MCQUISTEN; AYES - HUNSUCKER, LONG AND BAROWSKY; NAYES – NONE) TO DEFER ANY DISCIPLINARY ACTION ON MR. WARREN.

Big Game Tag Allocation Hand Book – Director Howard asked that the Board adopt the Allocation Manual. Board member Stark said she believes that the manual may need to be revisited after the next recalculation and after the tags verification process is developed in cooperation with IDFG later this year. Director Howard explained that the allocation manual is policy and can be changed by the Board at any time. Board member Stark also said with the ability for new outfitters to now have access to “zone” tags that some outfitters currently with tags are concerned over losing those tags as the result of the 5 year recalculation. Director Howard said that recalculations are mathematical calculations based on an outfitter’s historical use. He said that the primary change in the handbook to allow earlier access to pool tags should not affect an outfitter’s allocation as long as outfitters are using their allocated big game tags within the frame work of the policy. He said that historical use would also give reason for an increase provided additional tags are available and not already committed. Board Attorney Hales said that any time any change of allocation is made it could be considered a “taking”, and the decision to do so appealed. Director Howard said that is why it is important to follow policy and that changes to the policy should be very deliberate and thought out. He said that he’s also become aware of several outfitters thinking they are entitled to allocated tags simply because they are licensed for deer or elk hunting. He said that big game tag allocation was never meant to be an “entitlement program” and has always been based on the outfitter’s historical use. **MSC (MOTION: LONG, SECOND, BAROWSKY; AYES - HUNSUCKER, MCQUISTON, STARK AND HUNSUCKER; NAYES – NONE) TO ACCEPT THE ALLOCATION MANUAL AS PRESENTED**

Lake Pend Oreille and Lake Coeur d’Alene Prospectus Review and Scoring – **MSC (MOTION: BAROWSKY, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK AND LONG; NAYES – NONE) TO MODIFY THE AGENDA UNTIL TOMORROW TO ALLOW THE BOARD MORE TIME TO REVIEW THE PROSPECTUS APPLICATIONS.**

Director’s Report – Clark Fork River – Director Howard explained that a letter from Idaho Department of Fish and Game was received clarifying the Department’s earlier letter regarding the Clark Fork River. Their recommendation was not to make any changes or to issue a prospectus to license any new outfitters on the Clark Fork River at this time. The letter clarified this was due to the Kamloops fishery being new, the IDFG felt it would be best to let the fishery become better established over the next three years and then, take another look at it after they have a chance to better analyze the impact of the new opportunity. Director Howard pointed out that the prospectus was initiated in response to several outfitters interest in expanding their guide opportunity on that river. Director Howard asked the Board to set aside the prospectus discussed at an earlier meeting or making any changes until the IDFG study is complete and then

consider IDFG's recommendations. He said that this opportunity is new and was not available when these outfitters were first licensed. He also explained that the two existing outfitters who are currently operating on the Clark Fork River need to be aware that IDFG can recommend a reduction or elimination of outfitted use of the river. They've been grandfathered in by default as a result of the matter not surfacing when the opportunity was first made available to the public by IDFG and not brought to the attention of the Board at that time. **MSC (MOTION: STARK, SECOND, MCQUISTON; AYES - HUNSUCKER, BAROWSKY AND LONG; NAYES – NONE) TO FOLLOW THE IDFG RECOMMENDATIONS AND TO RECONSIDER THE CLARK FORK RIVER OPPORTUNITY AGAIN WHEN APPROPRIATE. THE DIRECTOR IS ASKED TO MAKE THE TWO EXISTING OUTFITTERS AWARE OF THE DYNAMICS ON THE RIVER AND RELATED CONSIDERATIONS.**

Federal MOU Meeting – Director Howard is continuing to work on setting up a meeting with the federal agencies as soon as he can, dealing with the Federal MOU. The past fire season has made it difficult to get this meeting set up. **Policies** – Director Howard explained that he has consolidated, clarified, updated and reorganized the Board's policies. He explained the policies had accumulated over the years and which in some instances had never been formalized or properly administered. He said that the new reorganized format will now allow that to more easily happen. Director Howard provided a summary of the work he has done on the policies and is asking the Board to review them on the IOGLB website and provide him with any input they may have. **Salmon Challis National Forest** - Director Howard reviewed, several questions being asked by the SCNF about matters dealing with commercial trips with outfitter clients rowing their own boats, along with what regulations are in place for friends and families going down the river. Director Howard stated that he will put together a response and will ask the Board Attorney to review it prior to responding to the SCNF.

Office Supervisor's Report – Renewal Packets -Supervisor Thomason informed the Board that the renewal packets for the 2016 license year have been mailed out, the staff is gearing up to start processing them as they come in. **IOGLB, RDI and Access Idaho Pending Applications**- Ms. Thomason explained that Access Idaho is in the process of limiting the time an application can sit pending on the online licensing website. Some applications have sat in Access Idaho pending for a year. Currently, incomplete online applications have been causing problems on the Access Idaho website and have to be deleted. Director Howard said as an example, an unresolved pending guide application prevents that guide from being able to move forward with additional outfitters. Beginning in December there will be a 72 hour time limit for those applications to be completed after which they will automatically be deleted. **Historical Minutes** – Supervisor Thomason informed the Board that minutes dating from 1961 have been copied and placed on the Board's website. Placing them on IOGLB's server will protect and preserve these minutes. She said this has been a very tedious process and Jeri Iriondo, who is a temporary, part time staff member has done a wonderful job in preserving these historical minutes now in a safe place.

Education/Enforcement Supervisor's Report – Mr. Wadley summarized cases and investigations from January 1, 2015 to October 22, 2015. He reported that in 2015 as of this date he has collected \$9,220.00 in enforcement fines and cost recovery. Chief Wadley asked the Board to approve the fines, special restitution, probation and special processing fee payments of the following individuals.

MSC (MOTION: STARK, SECOND, MCQUISTON; AYES - HUNSUCKER, BAROWSKY AND LONG; NAYES – NONE) TO ACCEPT THE \$200.00 FINE AND \$50.00 SPECIAL PROCESSING FEE WITH 1 YEAR GENERAL PROBATION UNTIL 06/10/2016 FOR KEVIN REIHL.

MSC (MOTION: MCQUESTION, SECOND, BAROWSKY; AYES - HUNSUCKER, STARK AND LONG; NAYES – NONE) TO ACCEPT THE \$200.00 FINE AND SPECIAL PROCESSING FEE OF \$100.00 FOR AMON MOLSEE.

MSC (MOTION: BAROWSKY, SECOND, STARK; AYES - HUNSUCKER, MCQUISTON AND LONG; NAYES – NONE) TO ACCEPT THE \$1000.00 FINE PAYMENT FROM JEFFERY WEIBER AS ORDERED BY THE BOARD.

MSC (MOTION: BAROWSKY, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK AND LONG; NAYES – NONE) TO ACCEPT THE \$200.00 DOLLARS \$50 SPF 1 YEAR PROBATION TO END ON 04/29/2016 FOR SPENCER COLGAN.

MSC (MOTION: BAROWSKY, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK AND LONG; NAYES – NONE) TO ACCEPT THE \$200.00 AND \$50.00 SPF FEES FOR JOHN MAULDIN.

MSC (MOTION: BAROWSKY, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK AND LONG; NAYES – NONE) TO ACCEPT THE \$200.00 DOLLAR FINE \$50.00 SPECIAL PROCESSING FEE 1 YEAR GENERAL PROBATION UNTIL 05/01/2016 FOR ANDREW WILKIN.

MSC (MOTION: MCQUISTON, SECOND, BAROWSKY; AYES - HUNSUCKER, STARK AND LONG; NAYES – NONE) TO ACCEPT THE \$250.00 DOLLAR FINE AND \$50.00 SPECIAL PROCESSING FEE 1 YEAR GENERAL PROBATION TO END ON 07/13/2016 FOR RICKY CLARK.

MSC (MOTION: MCQUISTON, SECOND, LONG; AYES - HUNSUCKER, STARK AND BAROWSKY; NAYES – NONE) TO ACCEPT THE \$300.00 FINE \$50.00 SPECIAL PROCESSING FEE 1 YEAR EXTENDED NON RESTRICTIVE PROBATION TO END ON 03/31/2016 FOR JASON WALLER.

MSC (MOTION: LONG, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK AND BAROWSKY; NAYES – NONE) TO ACCEPT THE \$250 DOLLAR ADMINISTRATIVE FINE \$50.00 SPECIAL PROCESSING FEE FOR TYLER JONES.

Financial Report – The Board reviewed the financial report for August, September and October 2015.
MSC (MOTION: STARK, SECOND LONG; AYES: - MCQUISTON, BAROWSKY AND HUNSUCKER; NAYES: -- NONE) TO ACCEPT THE FINANCIAL REPORT

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

The board recessed at 11:30 until 8:30 a.m at the Blaine County School District Community Campus in Hailey, Idaho.

Idaho Department of Fish and Game MOU - MSC (MOTION: STARK, SECOND; MCQUISTON AYES: - BAROWSKY, HUNSUCKER AND LONG; NAYES: -- NONE) TO APPROVE THE IDFG/IOGLB MOU.

Lake Pend Oreille and Lake Coeur d’Alene Prospectus Review and Scoring, Continued – MSC (MOTION: LONG, SECOND, MCQUISTON – AYES: STARK, BAROWSKY AND HUNSUCKER; NAYES: - NONE) AT 9:00 A.M. THAT THE BOARD ADJOURN TO EXECUTIVE SESSION TO REVIEW AND SCORE APPLICATIONS FOR THE PROSPECTUS ON LAKE PEND OREILLE AND LAKE COEUR D’ALENE IN ACCORDANCE WITH THE

