

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

FINAL MINUTES

August 29 & 30, 2017

**(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 9:35 A.M. ON AUGUST 29, 2017 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), LOUISE STARK, GEORGE MCQUISTON, AND BOB BAROWSKY WERE PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR LORI THOMASON, OFFICE SUPERVISOR AMANDA HARPER, BOARD ATTORNEY ROGER HALES, AND ENFORCEMENT SUPERVISOR RANDY WADLEY. BOARD MEMBER TOM LONG WAS NOT PRESENT.

Directors Report – Fiscal Year End 2017 Financial Report – Executive Director Lori Thomason presented to the Board the Year End Financial Report for Fiscal Year 2017. She explained that the Budget for fiscal year 2017 was \$626,000. \$422,700 was budgeted for the Personnel Budget and \$203,300 was budgeted for the Operations Budget. \$350,646 was the total spent in Personnel and \$117,782 was the total spent in Operations. \$157,872 was returned to the free fund balance. The free fund balance as of July 1, 2017, is \$473,052. **Audit and Inspections** – Director Thomason informed the Board that IOGLB had an audit from Legislative Services Office (LSO) and a facility check from the Division of Building Safety. There were no findings with either. It was recommended by LSO that the board provide the lodging receipts, including those paid through direct billing on a travel expense voucher. **TAC Members** – Hannah North, a member of the Technical Advisory Committee (TAC), sent in her resignation due to medical issues. Director Thomason informed the Board that a letter was sent out by IOGLB to prospective TAC members to fill the open position. **Fiscal Year 2019 Budget** – The 2019 budget has been submitted to the Department of Financial Management and LSO. It is due September 1, 2017. Director Thomason also informed the Board that the Fiscal Year 2018 budget has been reduced to \$610,000 from \$626,000. **Allocation Manual Review** – The IOGLB office received 3 comments on the Allocation Manual proposed changes, which was lower than expected. **New Phone System** – Department of Administration has installed the new phone system. Director Thomason explained that there is a new directory and each Board member present was given a copy of the new extension numbers. **IOGA Communication** - Director Thomason informed the Board that she spoke with Steve Burson, President of IOGA, and it has been decided that when IOGA wants to come before the Board, he will send a letter stating the purpose. After speaking with Mr. Burson and discussing the proposed changes relative to the Allocation Manual, it was agreed upon that those changes would be placed on hold. Once IOGA has reviewed the proposed changes in the Allocation Manual and voted on any changes they would like to see, they will compile a proposal back to IOGLB after the December 2017 annual meeting. **Big Game Tag Draw** – Director Thomason informed the Board that an outfitter who operates along the Snake River had called stating that he had received a call from the hunter who drew the Governor’s sheep tag and would like to hire him to help haul out the meat due to public access no longer being accessible below Pittsburg Landing where he wanted to hunt. Director Thomason explained to the outfitter that he is not licensed to pack out meat and is not authorized to provide that activity at this time. Heather Killgore with Killgore Adventures called and stated that she was going to volunteer her services

as a free trip to the sheep tag holder. She called to inform Director Thomason that no money will be exchanged and the name on the boat would be marked as private. Ms. Killgore was wanting to make sure she could do that. Director Thomason informed the Board of Ms. Killgore's intent and asked for direction on how to answer her. Board Attorney Roger Hales, recommended to Director Thomason to advise Ms. Killgore of Idaho Statute 36-2102 Definitions of an outfitter, and to go back to the law and inform Heather Killgore she needs to understand the law, along with what she is licensed to do as an Outfitter. **New Office Staff** - Director Thomason introduced new Office Specialist II Linda Jordan. She explained that Linda had worked for IOGLB thirty years prior. She also informed the Board that Linda comes to IOGLB from the Meridian campus of Idaho State University.

Office Supervisor's Report – Office Supervisor Amanda Harper explained to the Board that Steve Gustafson, the designated agent for EBL of Idaho, had paid for a 2017 Outfitter and Designated Agent License and a special processing fee for both the Outfitter and Designated Agent. Due to a sale of the business on the property that EBL leased, the lease agreement was voided. Neither Steve Gustafson nor EBL received their 2017 licenses. Office Supervisor Amanda Harper asked if the board would approve to refund a total of \$715, which is a total of both license fees and both special processing fees to EBL and Steve Gustafson. **MSC (MOTION: STARK, SECOND, MCQUISTON; AYES: BAROWSKY AND HUNSUCKER; NAYES: - NONE) TO REFUND ALL THE LICENSE AND SPECIAL PROCESSING FEES TO EBL AND STEVE GUSTAFSON.**

Education/Enforcement Supervisor's Report – Education and Enforcement Chief Randy Wadley explained the current number of complaints and case investigations so far this year. **Complaint – Cases and Investigation** – 37 total investigations as of 08/15/2017. **Inspections** - Chief Wadley had received several complaints of too many rafts and drift boat fishing on the South Fork, Warm River and Henry's Fork of the Snake River. On July 27 to July 30, 2017 Chief Wadley sent Enforcement Agent Randy White to do a routine inspection of those river sections. There were 36 physical boat inspections conducted and all were found to be in compliance. One warning violation was issued for failure to carry a guide license while guiding. However, during the inspections IOGLB Agent White, while on the Henry's Fork of Snake River of Island Park, happened upon three (3) male subject's in a drift boat. The person in the middle was rowing and the other two had fishing poles in their hands, fishing. As Agent White approached them, he noticed that the drift boat had Trout Hunters Outfitter markings on the bow. The markings were partially covered with a long piece of black tape. Agent White talked with the middle individual and inquired if it was a guided trip. The individual's reply was that it was not, he had borrowed the boat from a friend, and the other two individuals were his friends from New York. All individuals were identified, it was determined the New York individuals had not purchased an Idaho fishing licenses, then stated they didn't think about getting them as it was a last-minute fishing trip. Agent White called IDF&G and relayed the information. IDF&G had no officers available in the immediate area and directed Agent White to issue them both a violation/citation for Fishing without a fishing license, and wrote a summons into court. Both had admitted and were observed to be fishing without a license and cited into Fremont County Magistrate Court. There was not sufficient evidence to make a case of guiding without a license in this case against the other individual.

On August 2 to August 3, 2017 Enforcement Chief Wadley sent Enforcement Agent Bill Lewis to do an annual inspection on the Salmon River in the Riggins area. Chief Wadley also instructed Agent Lewis if possible to go into the Outfitter businesses and identify himself, and to ask them if there were any

problems or assistance from our office needed. Agent Lewis made contact with many of the licensed outfitter businesses in the area, checked Spring Bar, Hammer Creek, etc. There were five physical boat inspections conducted and all were found to be in compliance; therefore, no violations were issued.

On August 12, 2017, Enforcement Chief Wadley attended a joint law enforcement operation dealing with charter boats and outfitter and guide vessel inspections on the Snake River in the Hells Canyon area. The law enforcement agencies involved consisted of the USCG – United States Coast Guard, Oregon State Police, Oregon State Marine Board, USFS – United States Forest Service, Wallowa County Sheriff's Office and Idaho Outfitters & Guides Law Enforcement agents and officers. Focus of the operation was detailed toward a working relationship between all law enforcement agencies (Enforcement Intelligence, Illegal Activities, Covert Investigations, Assistance with agencies), safety regulations both state and federal (PFD's, throw bags and rings, first aid kits, fire extinguishers of motorized boats, inspection certificates, boat ID's (decals and stickers), outfitter and guide licenses, boat pilot licenses, Merchant Mariners Credentials of passenger and charter boats, permits to travel into the Hells Canyon area), and education with public and outfitters and guides, etc. The group departed after a briefing at Hells Gate State Park in Lewiston. They left in two jet boats and traveled approximately two hours upriver on the Snake River to Cache Creek (which is a permit station for access into the Hells Canyon area), and the staged inspection site. All boats traveling upriver and downriver must be permitted and in possession of permits and present them upon request. Chief Wadley stated that they spent all day conducting inspections until approximately 1800 hours, and began downriver travel back to Hells Gate. Enforcement Chief Wadley inspected two boats with guides, one belonging to Mountain River Outfitters and a passenger charter boat operated by River Quest. There were many inspections conducted with no Idaho violations found, so no citations were issued. Most boats were out of Washington or Oregon, except for the big charter boats known to be owned and operated by Idaho Outfitters.

Enforcement Fines - Chief Wadley went over the Enforcement fines and cost recovery for the years of 2014, 2015, 2016 and 2017. **Boat identification** – Board member Stark asked for clarification if an outfitter abbreviates their name on the side of a boat, do they need to file with the Secretary of the State. Board attorney Roger Hales advised that we can recommend to the Outfitter to file with the Secretary of State's Office and furthermore the IOGLB office needs to have the identification in the Outfitters file.

Financial Report –The Board reviewed the financial reports for May, June and July 2017. **MSC (MOTION: STARK, SECOND, BAROWSKY; AYES: HUNSUCKER, MCQUISTON; NAYES: - NONE) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED.**

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

Allocation Review – Director Thomas explained that the IOGLB office received three comments dealing with the proposed Allocation Manual changes. Director Thomason explained that during a discussion with IOGA President Steve Burson, it was discussed that all comments that have been received by IOGA and IOGLB should be compiled and presented at the IOGA December membership meeting, so that a proposal can be submitted to the Licensing Board after the December meeting. Board member Stark made a recommendation to extend the comment period on the proposed Allocation Manual changes until January 31, 2018, to give more hunting outfitters a chance to submit their comments. IOGLB's website will inform the hunting outfitters that the comment period is still open and will accept comments until the

end of January 2018. **MSC (MOTION: STARK, SECOND MCQUISTON; AYES: HUNSUCKER AND BAROWSKY; NAYES: - NONE) TO EXTEND THE COMMENT PERIOD FOR THE ALLOCATION MANUAL REVISIONS UNTIL JANUARY 31, 2018.**

MSF (MOTION: STARK, SECOND, BAROWSKY; AYES: STARK; NAYES: - HUNSUCKER, MCQUISTON AND BAROWSKY) TO AMEND THE ALLOCATION MANUAL TO ALLOW ALL ELIGIBLE OUTFITTERS TO HAVE ACCESS TO THE POOL TAGS ON DECEMBER 1. (MOTION FAILED)

John Watts with Boulder Creek Outfitters and Grant Simonds with the IOGA were present during the discussion; however, it was decided that the discussion would be tabled until after the comment period was finished and an official proposal from IOGA was submitted.

Meeting recessed for lunch at 12:04 p.m. Meeting reconvened at 1:30 p.m. with all listed above present.

Federal MOU Discussion – Director Thomason informed the Board that she has had regular correspondence with Steve Scheid, Recreation Special Uses Program Manager, Intermountain Region of the Forest Service, in regards to getting the Federal MOU signed, between the Idaho Outfitters and Guides Licensing Board, Forest Service and the Bureau of Land Management. The MOU has been stalled with the BLM for the last year. Director Thomason is asking direction from the Board on how they would like her to proceed with getting it signed. The Board recommended that a courtesy call be placed first, and if that fails then Board member Stark recommended that Director Thomason contact the State Director to get the MOU signed by the BLM. **MSC (MOTION: STARK, SECOND, BAROWSKY; AYES – HUNSUCKER, MCQUISTON; NAYES – NONE) TO CONTACT THE STATE DIRECTOR WITH THE BLM TO DISCUSS THE STATUS OF THE MOU AND TO GET THE MOU SIGNED BY THE BLM.**

MSC (MOTION: BAROWSKY, SECOND, STARK; AYES – HUNSUCKER, MCQUISTON; NAYES – NONE) AMEND THE AGENDA TO GO INTO EXECUTIVE SESSION AT 1:45 P.M. TO DISCUSS WITH ITS LEGAL COUNSEL POSSIBLE LITIGATION PURSUANT TO IDAHO CODE 74-206(1)(f).

MSC (MOTION: STARK, SECOND, MCQUISTON; AYES – HUNSUCKER AND BAROWSKY; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION AT 2:11 P.M. WITH NO DECISION MADE.

Darl Allred – Allred’s Adventures – Tag Allocation Discussion – Darl Allred, was accompanied by his lawyer Victor Valages, with Borton Laeky law offices. Mr. Allred read his facts and effects of recalculation and included an allocation request to do away with the 2014 recalculation of Allred’s Adventures. He requested the Board give back the 10 A and 15 B Elk tags that Allred’s Adventures was originally allocated. Mr. Valages reviewed Idaho Fish and Game statute 36-408 and 36-2107 as well as IDAPA Rules 13.04.04.500, 13.04.04.505 and 13.01.04.506. He also referenced IDAPA Rule 57 and Idaho Code 36-2107(j). Mr. Valages used these rules and statutes to help guide the Board through an in-depth analysis of recalculation, questioning the Board’s authority to recalculate every five years.

BOARD MEMBER GEORGE MCQUISTON MOVED TO GO INTO EXECUTIVE SESSION AT 3:10 P.M. TO DISCUSS WITH ITS LEGAL COUNSEL POTENTIAL CLAIMS BY DARL ALLRED PURSUANT TO IDAHO CODE 74-206(1)(f). MSC (MOTION WAS SECONDED BY STARK; AYES – HUNSUCKER AND BAROWSKY; NAYES – NONE

MSC (MOTION: BAROWSKY, SECOND, STARK; AYES – HUNSUCKER; NAYES – NONE) TO COME OUT OF EXECUTIVE SESSION AT 3:38 P.M. WITH NO DECISIONS MADE.

Board member McQuiston left the meeting during the Executive Session. Board member McQuiston returned to meeting, was not present for the vote to come out of executive session.

MSC (MOTION: BAROWSKY, SECOND, MCQUISTON; AYES – HUNSUCKER AND STARK; NAYES – NONE) TO DETERMINE THAT BOARD COUNCIL NEEDS TO REVIEW THIS MATTER AND WE WILL HOLD A CONFERENCE CALL WITHIN 30 DAYS FOR THE BOARD TO MAKE A DECISION.

BOARD MEETING ELECTIONS – Board Member Elections were held and Board member Bob Barowsky was voted in as Board Chairman, Board Member Wayne Hunsucker was voted in as Vice Chairman and Board Member Tom Long was voted in as Treasurer.

The next Board Meeting date has been set for December 19 and 20, 2017.

Chairman Hunsucker recessed the meeting at 4:13 p.m. until 8:30 a.m. August 30, 2017.

Meeting reconvened at 8:30 a.m. with Board Chairman Wayne Hunsucker, Board Member Louise Stark, Board Member Bob Barowsky, Board Attorney Roger Hales, Prosecuting Attorney Mike Kane, Executive Director Lori Thomason, Enforcement Chief Randy Wadley, and Office Supervisor Amanda Harper. Board Member Tom Long and Board Member George McQuiston were not present.

Brandon T. Liggett – Guide License Hearing Case No 17-20240-06 – A guide license hearing was conducted by the Board’s prosecutor Mike Kane. Brandon Liggett, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by board policy, had deferred Mr. Liggett’s guide license application due to the Enforcement Division’s review and scoring of Mr. Liggett’s criminal convictions disclosed on his application. Mr. Liggett is seeking a guide license to work for OARS Dories Inc. Mr. Liggett testified, and certain exhibits were introduced into evidence. **MSC (MOTION: STARK, SECOND, BAROWSKY; AYES – HUNSUCKER; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. LIGGETT WITH NO RESTRICTIONS OR PROBATION.**

David A. Check – Guide License Hearing Case No 17-20186-07 – A guide license hearing was conducted by the Board’s prosecutor Mike Kane. David Check, the applicant, was identified and placed under oath. Mr. Kane explained that Director Thomason, by board policy, had deferred Mr. Check’s guide license application due to the Enforcement Division’s review and scoring of Mr. Check’s criminal convictions disclosed on his application. Mr. Check is seeking a guide license to work for 208 Rafting LLC. Mr. Check testified, and certain exhibits were introduced into evidence. Zachary Mason, the designated agent for 208 Rafting LLC, appeared before the board to testify on behalf of David Check. **MSC (MOTION: BAROWSKY, SECOND, STARK; AYES – HUNSUCKER; NAYES – NONE) TO GRANT A GUIDE LICENSE TO MR. CHECK WITH TWO YEARS RESTRICTED PROBATION, ENDING 08/30/2019, TO WORK FOR 208 RAFTING LLC AND SALMON RIVER EXPERIENCE.**

Prosecuting Attorney Mike Kane excused himself at 9:31 a.m. with all hearings completed.

With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 9:34 a.m., Wednesday, August 30, 2017.

Board Meeting Minutes – August 29 and 30, 2017



WAYNE HUNSUCKER, BOARD CHAIRMAN

12/19/2017
Date

ATTEST:



LORI THOMASON, EXECUTIVE DIRECTOR

12-19-2017
Date