

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

DRAFT MINUTES

June 7- 8, 2018

**(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 7, 2018 IN THE MEETING ROOM AT THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD OFFICE, 1365 N. ORCHARD STREET ROOM 172 BOISE, IDAHO 83706. MEMBERS BOB BAROWSKY (CHAIRMAN), TOM LONG, GEORGE MCQUISTON, AND WAYNE HUNSUCKER WERE PRESENT. BOARD MEMBER LOUISE STARK PARTICIPATED VIA CONFERENCE CALL. ALSO PRESENT WERE EXECUTIVE DIRECTOR LORI THOMASON, OFFICE SUPERVISOR AMANDA HARPER, BOARD ATTORNEY ROGER HALES AND EDUCATION AND ENFORCEMENT CHIEF RANDY WADLEY.

ROLL CALL – Bob Barowsky – Board Chairman, George McQuiston – Board Member, Tom Long – Board Member, Wayne Hunsucker – Board Member, Louise Stark (via phone call) – Board Member, Randy Wadley – IOGLB Education and Enforcement Chief, Darl Allred – Outfitter, Victor Villegas – Attorney for Mr. Allred, Joan Callahan – Attorney for IOGLB, Jean Uranga – Advisory Attorney for IOGLB, Lori Thomason – IOGLB Executive Director, Amanda Harper – IOGLB Office Supervisor, Grant Simonds – IOGA, Roger Hales – Attorney for IOGLB, Jeff Bitton and John Watts

DARL ALLRED, ALLRED ADVENTURES, TAG ALLOCATION HEARING - Darl Allred, Designated Agent for Allred’s Adventures, LLC, was accompanied by his lawyer Victor Villegas, with Borton Lakey Law Offices. Mr. Allred was identified and placed under oath. Mr. Hales explained to the Board that the purpose behind the hearing is to allow Mr. Villegas and Attorney Joan Callahan an opportunity to introduce additional evidence into the record. Mr. Allred testified, and certain exhibits were introduced into evidence. It was requested by Attorney Joan Callahan that a written closing statement be submitted within thirty days after the hearing has been transcribed.

Attorney Joan Callahan and Advisory Attorney Jean Uranga excused themselves at 11:10 a.m. with the hearing completed.

LEGAL OPINION ON HUNTER USE AND VERIFICATION FORMS – Attorney Roger Hales discussed with the Board whether or not the Board had the authority to verify historic use. He stated that due to the Board adopting a temporary rule that is currently in effect, the rule now guides the process for re-allocation. He recommended to the Board that they need to consider if vouchers are required to establish verified use due to the intent of Fish and Game moving away from the voucher system. He said that the Board needs to look at other ways to establish and verify historic use. He also stated that the Board also needs to determine whether or not they will allow hunters to count other types of use in their area besides allocated tags. He said that in the past there were circumstances where outfitters were able to take hunters out that had gotten their own tags. Mr. Hales stated the hope would be that the IOGA come up with some consensus among the big game outfitters so the Board can take that into consideration. Mr. Hales recommended to the Board that the service agreement that was brought before the Board and put on the Board website only be used as a sample agreement not a requirement.

MSC (MOTION: HUNSUCKER, SECOND: LONG; AYES – BAROWSKY, MCQUISTON, STARK; NAYES – NONE) FOR THE EXAMPLE OF THE ALLOCATION SERVICE AGREEMENT ON THE BOARD WEBSITE BE USED A SAMPLE PROVIDED TO THE OUTFITTERS BUT NOT REQUIRED BY THE BOARD AS A GOVERNING CRITERIA

DISCUSSION ON LEGISLATIVE PROPOSALS TO IDFG – Grant Simonds and Jeff Bitton representing the IOGA came before the Board to inform them that the IOGA Board of Directors has approved moving forward with proposed legislation for 2019, and has further approved contracting with Jeff Bitton as IOGA’s Tag Allocation Specialist. Jeff Bitton presented to the Board the draft of the legislation that the IOGA has been working on since last Winter. Mr. Bitton stated that the IOGA has rewritten two sections of the law, 36-408(3) Outfitters Set-Aside and 36-408(4), Deer and Elk Tag Allocation. Mr. Bitton proceeded to review with the Board the rewrite that had been done. Board Attorney Roger Hales informed the Board that once the IOGA goes through with the law change and if it passes, the IOGLB will need to do rule changes to ensure implementation of the proposed legislation. Mr. Bitton asked that the IOGLB Board and staff members discuss this legislative proposal at the August 2, 2018 Board meeting to provide comment.

Meeting recessed for lunch at 12:30 p.m. Meeting reconvened at 1:45 p.m. with all listed above present.

MSC (MOTION: HUNSUCKER, SECOND: MCQUISTON; AYES – BAROWSKY, LONG, STARK; NAYES – NONE) TO MOVE THE AGENDA ITEM DISCUSSING THE REQUEST FROM TAMMY OVERACKER WITH FLYING RESORT RANCHES FORWARD TO INCORPORATE WITH THE TAG ALLOCATION PROPOSAL DISCUSSION

TAG ALLOCATION PROPOSAL FROM IOGA IN CONTROLLED HUNT AREAS 26 AND 27 – Board Chairman Bob Barowsky informed the Board that there was a stipulation in controlled hunt area 26, but there was not a consensus in controlled hunt area 27 so the Board will go with the original Board motion that each outfitter in controlled hunt area 27 will be issued their highest number of allocated tags from the past five years.

MSC (MOTION: LONG, SECOND: HUNSUCKER; AYES – BAROWSKY, MCQUISTON, STARK; NAYES – NONE) ACCEPT THE STIPULATION BY THE OUTFITTERS IN HUNT AREA 26 AND USE THE OUTFITTERS HIGHEST USE OVER THE LAST FIVE YEARS IN HUNT AREA 27

FLYING RESORT RANCHES, TAMMY OVERACKER REQUEST – Tammy Overacker, Designated Agent for Flying Resort Ranches, sent in an email request to the Board asking if she would be able to give one of her 63 allocated tags in controlled hunt area 27 to another outfitter. Board Attorney Hales stated that the laws and rules generally establish how the IOGLB set the original allocation. He said that there is not any basis in law or rule that allows outfitters to trade tags amongst themselves or to ask the Board to do it. The Board directed the IOGLB staff to call Fish and Game and find out what they released and if IOGLB needs to go before the Director of Fish and Game for Tammy Overacker’s request.

MILES HATTER APPLICATION REVIEW – Miles Hatter with Miles High Outfitters came before the Board to ask if they would approve him to amend his current license to add an additional operating area on Idaho Department of Lands land providing predator control. Mr. Hatter stated that the Fish and Game Comment Form that was received showed concern that this amendment could have public outcry due to hunting with dogs. Mr. Hatter stated that he has reached out to the public in the area to obtain their comments as to where they would like Miles to hunt and help with the predator issue. Board

Chairman Bob Barowsky recommended to Miles Hatter that he go to each of the private land owners and obtain an OG-10, private land manager statement.

MSC (MOTION: LONG, SECOND: MCQUISTON; AYES – BAROWSKY, HUNSUCKER, STARK; NAYES – NONE) TO APPROVE THE MAJOR AMENDMENT FOR MILES HATTER TO ADD AN ADDITIONAL OPERATING AREA ON IDAHO DEPARTMENT OF LANDS LAND PROVIDING BEAR, COUGAR AND PREDATOR ACTIVITIES

BES TECHNOLOGIES DATA BASE CONTRACT APPROVAL – Director Lori Thomason informed the Board that the IOGLB staff members have had a chance to look at the initial set up of the new database that BES Technologies is developing. She explained to the Board that the whole cost for the database will be \$70,000 due to the IOGLB being able to piggy back off the Sole Source Contract with BES Technologies that the Bureau of Occupational Licenses has already established. Ms. Thomason stated that she would have enough money in the 2018 budget to pay for the entire cost of the database. She asked the Board for approval to do so.

MSC (MOTION: LONG, SECOND: MCQUISTON; AYES – BAROWSKY, HUNSUCKER, STARK; NAYES – NONE) AUTHORIZE THE EXECUTIVE DIRECTOR TO SIGN THE DATA BASE CONTRACT WITH BES TECHNOLOGIES AND PAY THE FULL AMOUNT IN ONE LUMP SUM OUT OF THE 2018 BUDGET

SETTING WOLF TRAPPING PARAMETER'S – Board member Louis Stark discussed with the Board that she would like to see wolf trapping be a licensable activity. She would also like to work with Fish and Game to look at wolf trapping requirements and to see if it can be viewed the same as the bear baiting permit is now. She stated she would like to hear from Brad Compton with Fish and Game as to how the department could view wolf trapping requirements and education by the trapper to be extended to guides. Board Attorney Roger Hales stated that in 2013 the Board adopted a rule specifically dealing with wolf trapping. He said that there was a long list of requirements and it already says it can be a minor activity and that you must amend your license. Mr. Hales said that the rule states you cannot advertise whatsoever and that outfitters may not directly engage a client in trapping activities. He said that if the Board would like to amend this current rule, the Board would have to go before the legislature for approval.

DIRECTORS REPORT – SELWAY RIVER ACCIDENT – Director Thomason informed the Board of an accident that happened up on the Selway River involving Storm Creek Outfitters. She said what happened was that a bank gave way and a suburban rolled over into the Selway River. Two clients made it out, but two guides and two clients are still missing. Ms. Thomason has supplied the Sheriff in the area all the licensed outfitters so that they may contact them as to what to do if the missing bodies are found.

STRATEGIC PLAN – Director Thomason let the Board know that she has updated the agency's Strategic Plan. She stated that she added in the plan to hire a State contracted database provider which will allow the agency to comply with the Personal Identification Information Standard as put out by the executive order. She also stated that with the new database, the IOGLB will strive to make all forms fillable on the IOGLB website. Ms. Thomason said that with the new database, she is working with the database developer to implement the ability for outfitters, guides and designated agents to have the ability to print their own licenses. She asked the Board to accept the updated strategic plan.

MSC (MOTION: HUNSUCKER, SECOND: LONG; AYES – BAROWSKY, MCQUISTON, STARK; NAYES – NONE) TO ACCEPT THE STRATEGIC PLAN AS WRITTEN WITH THE STIPULATION THAT IF THE DEPARTMENT OF FINANCIAL MANAGEMENT HAS ANY EDITS THE DIRECTOR WILL MAKE THOSE EDITS

RIVER RAFTING TRIPS – Director Thomason informed the Board that the office was invited by Cascade Raft and the BLM for two separate river rafting training trips. The trip with Cascade Raft has not yet been set and the trip with the BLM is scheduled for August 13-14, 2018. She said that all Board members are invited as well. Ms. Thomason asked the Board for approval of the expenses involved with the training trips.

MSC (MOTION: HUNSUCKER, SECOND: LONG; AYES – BAROWSKY, MCQUISTON, STARK; NAYES – NONE) TO AUTHORIZE THE EXPENSES INVOLVED WITH THE TRAINING TRIPS.

INFORMATION FOR NEW GOVERNOR – Director Thomason let the Board know that she is putting a report together for the transition of the new Governor so that they may know how and what our agency does. The report is due by August 17, 2018. **CLEARWATER MEETING** – Director Thomason informed the Board that Board Chairman Bob Barowsky, Vice Chairman Wayne Hunsucker, Office Supervisor Amanda Harper and herself went to the Nez Perce/Clearwater meeting and met with some of the outfitters and the Forest Service to answer any questions they may have had. She also stated that the IDFG and USFS along with IOGLB were all in agreement that the Bear and Cougar overlap should continue. The policy will continue to be reviewed every three years.

OFFICE SUPERVISOR'S REPORT – 2018 RENEWALS – Office Supervisor Amanda Harper reported to the Board that five outfitters had not yet renewed for the 2018 license year. Of those five, two outfitters still need to submit their use reports and late fees, one outfitter has indicated they will not be renewing, one outfitter has indicated that they were not for sure if they would be renewing and one outfitter has been unreachable. She stated that the last postcard letting the outfitters know that their license will be relinquished as of June 30, 2018 if they do not renew by said date, was sent out on May 10, 2018. **TERESA SAUCEDA 20 YEARS OF SERVICE** – Office Supervisor Amanda Harper brought Office Specialist II Teresa Saucedo before the Board and thanked her for her 20 and a half years of being a state employee. Ms. Harper told the Board that Teresa has spent twenty of those years with the IOGLB and that her commitment to the outfitters, guides and designated agents is greatly appreciated. **NON- USE REPORT** - Ms. Harper informed the Board that a use review has taken place for all water based outfitters. She explained that the outfitters that have had no use or significantly less use than other outfitters on the same bodies of water have been identified. She stated that she would like to draft up a letter of non- use and request that each outfitter submit a letter explaining why they have had limited or no use and that the letter would have attached a relinquishment form in case the outfitter would like to relinquish their non- use area. Director Thomason said that the last time a non-use review was done was in 2007. Ms. Thomason stated that the responsibility of outfitters is to provide a public service. She said that what brought the review about was that the IOGLB office staff has been receiving many complaints from outfitters and the public that want to provide services on the water but there is not an available opportunity and they know that some outfitters are not utilizing their licenses. She said that the process is a letter will go out and before any areas area taken, the Board must conduct a non-use hearing. Ms. Thomason also said that if any outfitters relinquish their areas, the IOGLB will look at the waiting list to see if any outfitters are on it, and if there are no outfitters on the waiting list then the opportunity will go on the IOGLB website under Outfitting Business Opportunities.

FINANCIAL REPORT – The Board reviewed the financial reports for March, April and May 2018. **MSC (MOTION: MCQUISTON, SECOND: HUNSUCKER; AYES – BAROWSKY, LONG, STARK; NAYES – NONE) TO ACCEPT THE FINANCIAL REPORT AS PRESENTED**

EDUCATION AND ENFORCEMENT CHIEF’S REPORT – Education and Enforcement Chief Randy Wadley explained the current number of complaints and case investigations so far this year. **Cases and Investigations** – 31 total investigations for 2018.

Education and Enforcement Chief Wadley asked the Board to accept the following fine payments:

Case No 2018-022 Tyler O’Brien for an Alaskan Fish and Game violation. **MSC (MOTION: HUNSUCKER, SECOND: MCQUISTON; AYES: STARK, BAROWSKY, LONG; NAYES: - NONE) TO ACCEPT THE \$300 FINE FROM TYLER O’BRIEN AND ONE YEAR GENERAL PROBATION**

Case No 2018-025 John M. Goodman for an Idaho Fish and Game violation. **MSC (MOTION: HUNSUCKER, SECOND: LONG; AYES: STARK, BAROWSKY, MCQUISTON; NAYES: - NONE) TO ACCEPT THE \$200 FINE FROM JOHN M GOODMAN AND ONE YEAR GENERAL PROBATION**

POLICY #3008 - Mr. Wadley asked the Board to include the following verbiage into IOGLB’s Policy #3008: “Any probationer shall comply with applicable local, state, federal and administrative laws and rules. Violations or convictions during said probation period will be handled as a probation violation which may require further administrated discipline by fines or IOGLB Board review referral of continued license”. He stated that when the facts, findings and conclusion that are completed by Attorney Roger Hales or a stipulation is completed by Prosecuting Attorney Mike Kane this statement is taken care of but when neither of those are done, then there is nothing in policy that explains probation.

MSC (MOTION: HUNSUCKER, SECOND: LONG; AYES – BAROWSKY, STARK, HUNSUCKER; NAYES – NONE) TO CHANGE IOGLB POLICY #3008 TO INCORPORATE EDUCATION AND ENFORCEMENT CHIEF RANDY WADLEY’S RECOMMENDATIONS AND THAT THE CHANGE BE REVIEWED AT THE NEXT BOARD MEETING FOR APPROVAL

LICENSING FREEDOM ACT – Board Attorney Roger Hales let the Board know that the IOGLB staff members have been working on the Executive Order issued by Lieutenant Governor Brad Little while acting as Governor. He said that the order required that all licensing agencies in the state of Idaho had to respond to a number of questions outlined in the executive order. Mr. Hales said that his office has been helping the staff compile all the information. Mr. Hales reviewed with the Board the contents within the Executive Order. Board member Wayne Hunsucker asked that a statement of the MOUs that the Board has with the Forest Service, BLM and Fish and Game be added into the Executive Order. Mr. Hales said that he would incorporate that information.

MSC (MOTION: HUNSUCKER, SECOND: LONG; AYES – BAROWSKY, MCQUISTON, STARK; NAYES – NONE) FOR THE BOARD TO APPROVE THE COMPILED INFORMATION FOR THE STAFF SUBMISSION TO THE GOVERNOR’S OFFICE AFTER MINOR CHANGES TO BE REVIEWED AND APPROVED BY THE BOARD CHAIRMAN.

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

JEFF SMITH AND MIKE CORDON DISCUSSION – Jeff Smith with Fins and Feathers and Mike Cordon with Adventure Guide Service appeared before the Board to ask the Board if they would accept a

merger of their businesses to fall under Fins and Feathers Adventures Guide Services, LLC. They explained that this merger would help sustain their businesses. Director Thomason explained to the Board that the reason this application was brought before the Board is due to the fact that this merger would mean that one LLC would hold four of the eight licenses available on Lake Coeur d'Alene.

MSC (MOTION: LONG, SECOND: MCQUISTON; AYES – BAROWSKY, HUNSUCKER, STARK; NAYES – NONE) TO MOVE FORWARD WITH THE APPLICATION SUBMITTED BY JEFF SMITH AND MIKE CORDON TO MERGE THEIR BUSINESSES, BUT MAINTAIN FOUR SEPARATE LICENSES

IDFG NEW DATA BASE UPDATE – Craig Wiedmeier with Idaho Fish and Game updated the Board that Office Staff Susan Knapik now has access to the new Idaho Fish and Game production environment. This access gives her the ability to input new outfitters and assign allocated tags. Board member Louise Stark asked Mr. Wiedmeier if this new data base would have clients' information attached to each outfitter. Mr. Wiedmeier said that if an outfitter went into a licensed vendor and let them know that they are a licensed outfitter and gave their license number the vendor would be able to pull everything that was issued under that outfitter number, including client information. Craig Wiedmeier said that there are still plans to develop more into this new database to hopefully include harvest information.

Cont. FLYING RESORT RANCHES, TAMMY OVERACKER REQUEST - MSC (MOTION: HUNSUCKER, SECOND: LONG; AYES – BAROWSKY, MCQUISTON; NAYES – STARK) TO HAVE IOGLB STAFF NOTIFY TAMMY OVERACKER THAT THE BOARD CANNOT UNDER CURRENT STATUTES AND RULES HONOR HER REQUEST TO GIVE AN OUTFITTER ONE OF HER ALLOCATED TAGS IN FISH AND GAME HUNT AREA 27

Chairman Barowsky recessed the meeting at 4:45 p.m. until 8:30 a.m. June 8, 2018.

Meeting reconvened at 8:30 a.m. at 1301 N Orchard St Suite 110 Boise, ID 83706 with Board Chairman Bob Barowsky, Board Member Tom Long, Board Member Wayne Hunsucker, Board Attorney Joan Callahan, Executive Director Lori Thomason, Education and Enforcement Chief Randy Wadley, and Office Supervisor Amanda Harper.

NEGOTIATED RULE MAKING HEARING – The Board held a negotiated rulemaking hearing for Docket No. 25-0101-1801 regarding the designation of allocated deer and elk tags among operating areas. Ms. Callahan explained the rulemaking process and that the current negotiated rulemaking docket does not have any proposed language at this time. The Board took written comment and heard testimony from those in attendance. The list of commenters and written comments were placed in the rulemaking record.

The next Board Meeting date has been set for August 2 and 3, 2018.

With no further business to come before the Board, Bob Barowsky adjourned the meeting at 12:00 p.m., Friday, June 8, 2018.

BOB BAROWSKY, BOARD CHAIRMAN

Date

Board Meeting Minutes – June 7-8, 2018

ATTEST:

LORI THOMASON, EXECUTIVE DIRECTOR

Date