

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

DRAFT MINUTES

March 23 - 24, 2016

**(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 12:00 P.M. ON MARCH 23, 2016 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 SPECIALIST, ROBIN BROWN; BOARD ATTORNEY, ROGER HALES, AND ENFORCEMENT SUPERVISOR, RANDY WADLEY.

Agenda Review - Director Howard reviewed the agenda.

MSC (MOTION: STARK, SECOND, BAROWSKY, AYES – HUNSUCKER, LONG; NAYES – NONE) TO AMEND THE AGENDA TO ALLOW THE DISCUSSION INVOLVING ACCESS IDAHO TO BE FIRST.

Changes to Licensing System - On Line Licensing - Holly Suit and Troy Sereduk from Access Idaho appeared before the Board to explain changes to the on-line licensing system where processes for renewals versus new applications were clarified and where refinements clarifying information received on-line were made. They said that the new changes went live on March 22. Director Howard complemented them on their level of commitment to making these important changes with would alleviate some inconsistencies in processing guide licenses and concerns from some outfitters. They also discussed that the level of detail involved with IOGLB system is significant and unlike no other state licensing system they manage. The Director said this level of detail equates to dollars needed to maintain the system all while knowing that in the near future the overall all licensing system will need a major overall to incorporate changes made internally to address data processing issues that have been realized, and other changes such as those made to the online system, as well as those to integrating data systems such as use reporting, tag allocation and outfitter area mapping which are managed on external systems. **Off-line Licensing** – Office Specialist -Teresa Saucedo also presented regarding some of the additional changes that have been made to the off-line license application forms, particularly the OG 4.1 New Guide application form for first time guides and the OG 4 relicense guide application form for all others. The litigation questions have been brought into line with the on-line license applications.

Director's Report – Jet backs on the SA6, SA7 and SA8 - The Director discussed a matter initiated by an outfitter resulting in some confusion involving jet boat outfitters providing jet backs

on the lower Salmon River during big game seasons. He said the federal agencies had properly interpreted state rules and the matter was resolved. **Federal MOU Update Report** – The Director explained that an MOU Committee comprised of BLM and USFS representatives, Board members Hunsucker and Stark, himself, and Office Supervisor Thomason had met in Boise on February 10 to discuss updating the joint MOU between the agencies. The Director provided a meeting summary and a schedule of draft documents leading to the finalization of the updated MOU by the Board at its June meeting. He also provided the Board a draft copy of the suggested changes thus far. Board member Stark complemented the Director on the preparation for and coordination of the joint meeting. **Legislation regarding Board Appointments** – The Director reported that legislation initiated by the Governor had successfully passed through the Legislature. He said that this change affects all self-governing agency boards including the IOGLB, where applications for Board member openings will be accepted from any eligible person and will be considered by the Governor. He said that IOGLB applicants will no longer have to be nominated by the Idaho Outfitters and Guides Association (IOGA) although that organization would still be able to nominate someone. Also, from this point forward all board members will clearly serve at the pleasure of the Governor. He said that this language will be incorporated into IOGLB's Statute/Rule book maintained on the IOGLB website. **Legislative Office of Performance Evaluations regarding Hearing Officers** – Director Howard and Board Attorney Hales said that the Office of Performance Evaluations report involving Hearing Officers was made to the Legislature, but to date no changes had moved forward legislatively. The Director said this overall matter was brought the Board's attention earlier. A copy of Board Attorney Hales' letter illustrating the Board concerns over the process and preliminary findings that was directed by the Board earlier was provided. **Twin Falls County – Concessionaire** – The Director pointed out a matter that had surfaced as the result of a complaint from a licensed outfitter alleging that a county concessionaire was providing float boat operation training on the Snake River without an outfitter's license. He said that the Twin Falls County Park Director and the Twin Falls County Commissioners were very cooperative in finding a simple solution which they have implemented thus resolving this concern. **Manning Crevice Bridge Replacement** – Director Howard mentioned a meeting involving reconstruction of the Manning Bridge over the Salmon River above Riggins which Board chairman Hunsucker attended. The Chairman said at the meeting BLM/USFS discussed a variety of issues involving this replacement including impacts to the outfitters using the Salmon River. He said that it appears they now have a reasonable plan in place to accommodate public use including that of the outfitters. The Chairman also reported that the day after this meeting, he and Board member Barowsky traveled to an **Outfitter/Agency meeting** in the City of Salmon which he advised those in attendance of matters involving the Manning Crevice Bridge Replacement. Board member Stark said she was also that this meeting and she, Mr. Hunsucker, and Mr. Barowsky provided the other Board members with an overview of what was discussed. All agreed that this meeting in Salmon was productive and worth future Board participation. The Director mentioned **other upcoming meetings** including the Nez Perce/Clearwater Outfitter meeting on April 6 in Kamiah, Partners Afloat meeting on the lower Snake River on April 8 which the Chairman, and Board member Barowsky would attend, that Board member Stark had contacted him about her participating in an IDFG meeting with its office supervisors in Salmon in June which he felt was a good idea, and that there was an invitation to make presentation at the "Idaho River Rendezvous" apparently involving a number of river based outfitters and others scheduled for May 13-15 in Stanley which staff are unable to attend. It was

discussed whether a Board member could participate, but all indicated that they were not available. **Vacant snowmobiling area on the Payette National Forest** – The Director reminded the Board of a presentation made by Jane Cropp with the Payette National Forest at its March 2015 meeting where she explained that Payette National Forest was in the process of developing new opportunities for licensed outfitter guided snowmobiling activities in as many as three new operating areas in the McCall, New Meadows and Council areas for over 700,000 thousand acres. He said that he has been notified that the Payette National Forest is now ready to move forward with a prospectus and that he felt that applications could be taken and made ready for a joint Payette National Forest/Board review and decision at the Board’s June meeting. **Staff Training/Excursion** – the Director said that he would be planning the annual staff training excursion for some time in July or August. **River Rules Approved** - The Director reported that the rules involving the South Fork of the Snake River, Henrys Fork and Teton River had been approved by the Legislature and will be incorporated into the IOGLB Statute and Rule book revision.

Office Supervisor’s Report – The Director said that Susan Knappek would be reporting for Lori Thomason who was unable to attend the meeting. **Outfitter Licensing Report** - There are 42 outfitters who haven’t renewed, and 338 outfitters who are licensed. **Filing** - The Director explained that Ms. Thomason was currently organizing and updating the filing system and had planned to report on some changes being made. The Board asked that she report on this at its June meeting. **Unused Allocated Controlled Tags** - Ms. Knappek presented a situation that she found when preparing allocation reviews for the upcoming year where an Outfitter has a controlled allocated tag which appears to have not been used since 2002. The Director said because this matter involving not using an allocated controlled tag had never before surfaced, and with there currently not being policy for unused allocated controlled tags, the Board was asked to provide direction on how to address this matter. He suggested it be handled like any other non-use outlined in IDAPA rule 25.01.01.025.

MSC (MOTION: LONG, SECOND MCQUISTON; AYES – HUNSUCKER, BAROWSKY, STARK) – FOR THE BOARD TO SEND A LETTER TO THE OUTFITTER ALLOWING SAID OUTFITTER TO RELINQUISH THIS CONTROLLED ALLOCATED TAG OR EXPLAIN WHY THIS TAG HAS NOT BEEN USED. REQUIRE A RESPONSE BY APRIL 30 AND A NON-USE HEARING THEN SCHEDULED ACCORDLY IF NOT RELINQUISHED.

MSC (MOTION: STARK, SECOND BAROWSKY, – NAYES, LONG, HUNSUCKER, MCQUISTON) TO CONDUCT A NON-USE HEARING FOR THE OUTFITTER FOR NOT USING AN ALLOCATED TAG.

Education/Enforcement Supervisor’s Report –Complaint – Mr. Wadley discussed correspondence sent to several Board members independently regarding alleged wrong doing of a licensed outfitter, his response and a timing issue in his response. The Board agreed that his response was appropriate and recognized the circumstances creating the timing issue. **Cases and Investigation** - Mr. Wadley summarized cases and investigations from January 2016 through March 2016.

Financial Report – The Board reviewed the financial reports for November, December, January, and February. In good shape, kudos to office staff for efficient management. **MSC (MOTION: STARK, SECOND, LONG; AYES: HUNSUCKER, MCQUISTON, BAROWSKY; NAYES: - NONE) TO ACCEPT THE FINANCIAL REPORT**

Consent Agenda – Board member McQuiston said that he was confused with the consent agenda and by its purpose. The Board discussed this matter with him. He also said that he had requested some additional information about several specific matters which had not been provided. He was asked what additional information was requested and said he need more time to review the matter and the consent agenda. **MSC (MOTION: STARK, SECOND, BAROWSKY; AYES: HUNSUCKER, LONG. MCQUISTON; NAYES: -- NONE) TO MOVE THE APPROVAL OF THE CONSENT AGENDA UNTIL THURSDAY.**

Special Processing Fees Review – Board member McQuiston questioned the interpretation of IDAPA rule 25.01.01.15 involving special processing fees. The Board discussed this matter with Board Attorney Hales and the Director. It was agreed that historic interpretation was within the discretion of the Board but that the rule could be clarified. **MSC – (MOTION: LONG, SECOND, STARK; AYES: HUNSUCKER, BAROWSKY; NAYES, MCQUISTON) - COMPLETE LICENSE APPLICATIONS MUST BE RECEIVED BY THE IOGLB OFFICE OR POSTMARKED BY JANUARY 31, ANNUALLY TO AVOID SPECIAL PROCESSING FEES. THERE IS NO ALLOWANCE WHEN JANUARY 31 FALLS ON A WEEKEND.**

MSC – (MOTION: LONG, SECOND, STARK; AYES: HUNSUCKER, BAROWSKY, MCQUISTON) DIRECT THAT LICENSING STAFF CLARIFY THE LANGUAGE IN RULE TO BE CONSISTENT WITH THE PREVIOUS MOTION.

Refund fees - MSC (MOTION: BAROSWKY, SECOND LONG, AYES – HUNSUCKER, STARK, MCQUISTON RECUSED.) NO REFUNDS OF SPECIAL PROCESSING FEES FOR LATE SUBMISSION.

Rule Interpretation for the Salmon Challis National Forest - The Board discussed questions presented by Salmon Challis National Forest Supervisor Chuck Mark about clarifying state rules regarding float boating and reviewed a draft letter of response prepared by the Executive Director. Director Howard explained that several of them had asked him earlier to put this matter on hold until the Board as a whole could discuss it. He also explained that Mr. Mark had not responded to the Board's letter requesting clarification of why answers to these questions were pertinent to administering federal permits. Both the Director and Board Attorney stated that answering these questions was not out of order. The Board asked that the Director move forward with the response.

MEETING RECESSED AT 4:25 P.M. To be reconvened on March 24, 2016

MARCH 24, 2016. MEETING RECONVIENED AND CALLED TO ORDER AT 8:30 a.m. WITH MEMBERS WAYNE HUNSUCKER (CHAIRMAN), GEORGE MCQUISTON, LOUISE STARK, TOM LONG, AND BOB BAROWSKY PRESENT. ALSO PRESENT WERE EXECUTIVE DIRECTOR JAKE HOWARD, OFFICE SPECIALIST ROBIN BROWN, BOARD ATTORNEY ROGER HALES, ENFORCEMENT SUPERVISOR RANDY WADLEY, AND BOARD PROSECUTING ATTORNEY MIKE KANE.

Certificate of Service Award - Randy Wadley – Director Howard recognized Randy Wadley’s five years of service as the Board’s Education/Enforcement Supervisor and presented him a certificate signed by Governor Otter.

EXECUTIVE DIRECTOR, HOWARD LEFT THE MEETING TO ATTEND TO A PERSONAL MATTER.

Blaze Decker – Guide License Hearing - A guide license hearing was conducted by the Board’s prosecutor Mike Kane. Blaze Decker, the applicant was identified and placed under oath. Mr. Kane explained that Director Howard by board policy had deferred Mr. Decker’s guide license application due to the Enforcement Division’s review of recent criminal convictions disclosed on his application. Mr. Decker is seeking a guide license to work for Hells Canyon Raft. Mr. Decker testified and certain exhibits were introduced into evidence. **MSC (MOTION: LONG, SECOND, STARK; AYES - HUNSUCKER, MCQUISTON, AND BAROWSKY; NAYES – NONE) TO APPROVE A GUIDE LICENSE FOR MR DECKER WITH 1 YEAR GENERAL PROBATION FROM DATE OF LICENSE ISSUANCE.**

Richard Thompson – Disciplinary License Hearing - Guide - A guide license disciplinary hearing was conducted by the Board’s prosecutor, Mike Kane. Richard Thompson, the applicant was identified and placed under oath. Mr. Kane explained that Director Howard by board policy had deferred Mr. Thompson’s guide license application due to the Enforcement Division’s review of recent criminal convictions disclosed on his application. **MSC (MOTION: MCQUISTON, SECOND, BAROWSKY; AYES - HUNSUCKER, LONG, STARK; NAYES, NONE) THAT THE PLEA BE ACCEPTED TO MOVE FORWARD TO HEAR THE EVIDENCE.** Prosecutor suggested that the case be dismissed due to the fact that the individual does not wish to continue guiding. **MSC (MOTION: LONG, SECOND, MCQUISTON; AYES - HUNSUCKER, STARK, BAROWSKY; NAYES) TO ACCEPT THE PROSECUTOR’S RECOMMENDATION.**

John Lawler – Disciplinary License Hearing - A disciplinary license hearing was conducted by the Board’s prosecutor, Mike Kane. John Lawler, owner/outfitter of Idaho Whitewater Unlimited, Inc. appeared before the Board. Mr. Kane explained that Director Howard by board policy had deferred Mr. Lawler’s Outfitter license renewal application due to the Enforcement Division’s review of administrative complaints regarding illegal outfitting by the potential purchaser, Craig Fletcher. Mr. Lawler is seeking a reinstatement of his outfitters license after his attempted sale to Craig Fletcher did not work out. Mr. Lawler 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. Board Member Long recused

himself from the proceeding for fact finding, but will remain and may be called to testify for Mr. Lawler. Randal Wadley, Enforcement Chief for OGLB was sworn and testified. Thomas Long, outfitter with Cascade Recreation was sworn and testified. Georgianna Lawler, wife of John Lawler was sworn and testified.

Count I – Knowingly allowed Craig Fletcher to conduct outfitting activities, marketing, booking clients, assigning guides, and payroll without assuming full and complete responsibility for all clients in violation of IDAPA 25.01.01.023.01 - .03 - **MSC (MOTION: BAROWSKY, SECOND, STARK; AYES - HUNSUCKER; NAYES – MCQUISTON) TO MAKE A FINDING OF VIOLATION OF COUNT I.**

Count II – Craig Fletcher was not licensed as an outfitter, designated agent or guide in violation of Idaho Code 36-2104 - **MSC (MOTION: BAROWSKY, SECOND, STARK; AYES – HUNSUCKER, MCQUISTON; NAYES – NONE) NOT SUFFICIENT GROUNDS TO FIND CAUSE FOR VIOLATION.**

Count III – Craig Fletcher, purchaser, hired unlicensed guides in violation of Idaho Code 36-2113(A) (9) - **MSC (MOTION: MCQUISTON, SECOND, STARK; AYES – HUNSUCKER, BAROWSKY; NAYES – NONE) TO MAKE A FINDING OF VIOLATION OF COUNT III.**

Count IV – No liability insurance existed for Idaho Whitewater Unlimited - **MSC (MOTION: STARK, SECOND, BAROWSKY; AYES – HUNSUCKER, MCQUISTON; NAYES – NONE) NOT SUFFICIENT EVIDENCE TO SHOW THAT THERE WAS NO INSURANCE DURING THE TIME FRAME IN QUESTION.**

MSC (MOTION: STARK, SECOND, MCQUISTON; AYES, HUNSUCKER, BAROWSKY; NAYES - NONE) TO ACCEPT PROSECUTION RECOMMENDATION FOR \$250 FINE PER VIOLATION.

MSC (MOTION: STARK, SECOND, MCQUISTON; AYES – HUNSUCKER, BAROWSKY; NAYES - NONE) APPROVE RENEWAL OF 2016 OUTFITTER, DESIGNATED AGENT, AND GUIDE LICENSE FOR NON-PROBATIONARY LICENSE.

Rick Hussey – Disciplinary License Hearing - A disciplinary license hearing was conducted by the Board’s prosecutor, Mike Kane. Rick Hussey, owner/outfitter of Quarter Circle A Outfitters appeared before the Board and was sworn in. Mr. Kane explained that Director Howard by board policy had deferred Mr. Hussey’s outfitter license application due to the Enforcement Division’s review of recent criminal convictions. Randy Wadley, Idaho Outfitters and Guides Licensing Board’s Education and Enforcement Chief also testified to the State and Federal crimes.

MSC (MOTION: MCQUISTON, SECOND, LONG; AYES – STARK, BAROWSKY, HUNSUCKER) COUNTS I, II, AND III HAVE BEEN ADMITTED BY MR. HUSSEY.

Witnesses: Patrick Matthew Finnegan, retired USFS investigator was sworn and testified. Joseph William Lewis, OGLB Enforcement investigator was sworn and testified. Joe Blake Hudson, USFS, was sworn and testified. Randal Wadley, Enforcement Supervisor for OGLB, was sworn and testified.

MSC (MOTION: LONG, SECOND, STARK; AYES: HUNSUCKER, BAROWSKY, MCQUISTION; NAYES - NONE) TO GO INTO EXECUTIVE SESSION AT 12:40 P.M. MSC (MOTION: LONG,; SECOND, STARK) 12.55 P.M OUT OF EXECUTIVE SESSION WITH NO DECISION MADE.

MSC (MOTION: LONG, SECOND, STARK; AYES –HUNSUCKER, MCQUISTON AND BAROWSKY; NAYES – NONE) TO TAKE THE MATTER UNDER ADVISEMENT.

BOARD MEMBER LONG LEFT THE MEETING TO ATTEND TO A PERSONAL MATTER.

Review of Coeur d’Alene Charters’ License and Sales Agreement. The Board discussed the scantiness of the sales agreement provided and outlined for the outfitter a couple of ways that the sales agreement could be fleshed out a little more to show that there was a indeed a business to sell. **MSC (MOTION:STARK, SECOND, BAROWSKY; AYES - HUNSUCKER, MCQUISTON; NAYES - NONE) TO ALLOW SALE OF BUSINESS EVEN THOUGH IN NON-USE.**

Consent Agenda – Cont. - **MSC (MOTION: STARK, SECOND, HUNSUCKER; AYES: - BAROWSKY; NAYES: -- MCQUISTION) TO APPROVE THE CONSENT AGENDA AS PROVIDED.** Board member McQuiston said he was fine with all other matters on the consent agenda, but objected to charging a special processing fee for the Richie snowmobile amendment.

The next Board Meeting date has been tentatively set for June 21 and 22.

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With no further business to come before the Board, Chairman Hunsucker adjourned the meeting at 2:10 p.m. Thursday, March 24, 2016.

WAYNE HUNSUCKER, CHAIRMAN Date

ATTEST:

JAKE HOWARD, DIRECTOR Date