



# The Rendezvous

The Official Bulletin of the Idaho Outfitters & Guides Licensing Board

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## BOARD CLARIFYING PRIVATE LAND LICENSING

Board Chairman, Wayne Hunsucker

Board Member Irby and I have been working with Director Howard, Board Attorney Roger Hales, IOGA Executive Director Grant Simonds, and IDFG Deputy Director Virgil Moore and several IDFG staff to clarify and improve the process involved in licensing outfitters to provide facilities and services on private lands.

Land ownership is evolving in Idaho where large tracts of private properties are merging or changing into corporate ownership. While the Board supports the rights of private property owners in Idaho, it recognizes and shares the concerns that many Idahoans have with hunting exclusivity & loss of public land access. It has been the Board's experience that sometimes the applicant is the landowner, whom the Board believes can provide some measure of public opportunity and access to their private lands by outfitting.

Other concerns surfacing are:

- Several adjoining outfitted hunting operations trying to operate on private and public land in a limited area with conflicting boundaries.
- Private land outfitter operations conflicting with larger outfitters who historically have been licensed on public lands with whom the private lands are intermingled.
- Conflicts between outfitted activities and high fence hunting operations
- Confusion over the Land Owner Appreciation (LAP) big game tag program and industry involvement.
- Landowners cause escalating prices the public has to pay to lease private lands or causing private lands to be restricted from public use in their entirety.

Historically, the outfitting industry in Idaho has operated on federally administered lands where the Board, in cooperation with federal agency permit administrators, set limits or restrictions based on the permitting agency's resource analysis.

With private land or waters, little external resource analysis exists, other than what the Board is able to do on its own. The Board believes that a better understanding of the resources and other issues are needed by the IOGLB to properly consider the outfitting of private lands and what limits or restrictions are necessary in each case. Because of limited resources and staff time, the Board's decisions related to private lands and waters are largely dependent upon IDFG input and recommendations.

As the result, three policies have been drafted. The first two policies will allow the IOGLB, the IDFG and the FG Commission to communicate effectively in addressing various matters involving private land license applications, and in such a way, that Board decisions can be clear and relative to the overall provision of service and the capabilities of the resource where the services are provided. These policies are intended to improve the evaluation of license applications and substantiate the need for such services which together will serve to develop a clear record of the decision.

The third policy sets in motion an effort to address long standing matters dealing with outfitted waterfowl, upland game and turkey hunting using the framework being established in the first two policies. Most often waterfowl, upland game and turkey hunting opportunities are on private lands, and competition for these lands appears to be increasing with private hunting clubs or groups or individuals who are entering into agreements to restrict public access for their own use.

Plans are for a joint working group to be organized who will collaborate with both agencies in collecting objective information and providing recommendations to the Board and the IDFG Commission on how to move forward regarding outfitted waterfowl, upland game and turkey hunting. A decision on how the working group will be organized and a time frame has not yet been made. To assist this group, there has been some Board discussion of involving college interns in gathering survey information regarding large private land practices as they relate to hunting leases/hunting clubs.

## THE ECONOMY AND OUTFITTER NON-USE

The unique economic circumstances affecting the outfitting industry surfaced at the Board's June meeting. Inquiries about the economy's affect on the industry; issuing a global non-use waiver for the 2009 license year as well the possibility of excluding the 2009 big game tag allocation use from future recalculations were discussed.

Grant Simonds, Executive Director of the Idaho Outfitters and Guides Association told the Board that with the recession being the worst since WWII, a recent IOGA survey indicated that some outfitters' allocated tag use was down by 30% to 50%. Individual members of the Board indicated that they were acutely aware of the economic crisis and its affect on private industry, including their own businesses. The Board also was made aware of state government's effort to reduce its expenses including state agencies and the IOGLB, where cuts have been ordered by the Governor.

Unfortunately, there does not appear to be a quick, easy answer to the economic calamity in the state as a whole; nationally, or its affect on the outfitting and guiding industry in Idaho. As the result, managing outfitter use has become a double edged sword.

The purpose of licensing outfitters and guides is to allow outfitters to develop businesses through which they can provide facilities and services to the public and there is growing expectation that they do so. After reviewing the matter with its Attorney and Board's Executive Director, the Board recognized that existing laws are geared to address industry non-use with individual outfitters on a case by case basis and that related matters are often disciplinary in nature. With this in mind, by law, non-use waivers can be issued by the Board when matters are beyond an individual outfitter's control such as fire, agency action or personal health issues that limits an individual outfitter's ability to operate. In the past, personal decisions to not operate for reasons that are within an outfitter's control or global issues that affect the industry as a whole or a large number of outfitters have been determined by the Board to not be adequate justification for waivers. Wolves and the economy crisis generally fall into this category. They affect a large number of outfitters, and the issuance of non-use waivers for these reasons with no clear end in sight seem to defeat the purpose of the law. In this sense, there may be situations involving outfitters with several years of non-use that are unrelated to these global issues. The Board must retain its ability to address these situations on a case by case basis in order to create new opportunities for others to have a chance to provide the public these services possibly in some other way.

Have an idea, or suggestion?  
The best way to communicate these is through e-mail.  
[licensing@oglb.idaho.com](mailto:licensing@oglb.idaho.com)

With this being said, it is important to recognize that in Idaho, non-use outfitter laws (IDAPA 25.01.01.24) allow the Board considerable discretion in investigating non-use, when to conduct a review, in determining whether corrective action is necessary and how the matter might be addressed should the Board decide action is necessary. It allows the Board discretion in determining which three years to review.

Generally under this law, individual outfitters who are legitimately attempting to operate are given considerable latitude. Again, this is done on a case by case basis following action initiated by the Board. As such, the Board is about to complete a usage review of all rivers, lakes and reservoirs in Idaho for the first time in three years. This review does not include 2009 activity. A statewide non-use review for land based outfitters is not planned during the 2009 license year and schedules for the next statewide reviews have not been determined.

Policy regarding "hardship waivers" for non use of outfitter allocated big game tags mirrors general non use requirements, and is addressed on a case by case basis.

With the free market approach involving allocated tags and considering the competition for these tags, a global waiver, skipping a year or an individual economic based hardship waiver for big game tag allocation may not sit well with those outfitters using their tags and hoping for an increase following the next recalculation. The economy is clearly affecting individual businesses differently and fairness is a huge concern of the Board in their administration of the big game tag allocation program.

Information is available on non use rules and allocation hardship policies at [www.oglb.idaho.gov](http://www.oglb.idaho.gov) or by calling 208-327-7380.

**BOARD WELCOMES IRBY, KORELL AND STARK -**  
The Board has seen several changes in the last year. Board Chairman Wayne Hunsucker, the senior member of the Board began serving in 1995. Mr., Hunsucker owns CWH Architects and is headquartered from his home office located on the banks of the Salmon River in Lucille. Tom Long was appointed to the Board in 2007, owns and operates Cascade Raft and Kayak on the Payette River. Mr. Long has outfitter businesses in other states and in Chile. Alex Irby, who resides in Orofino, represents the FG Commission on the Board and is a former Chairman of the Commission. He is employed with Tri/Pro Forest

Products in Orofino. Chris Korell owns and operates Korell Outfitters which provides hunting and trail riding opportunities in the Lowman area. Both Mr. Irby and Mr. Korell began serving on the Board in June 2008. The newest member of the Board is Louise Stark whose tenure began with her appointment in April. Ms. Stark owns and operates White Cloud Outfitters with her husband Mike Scott. Together they provide big game hunting, trail rides and fishing opportunities from their headquarters near Challis.

**BUDGET REPORT – FEE INCREASE** – The Board is moving forward with the fee increase announced in the fall of 2008 and with changes in the fee setting process to parallel those used by other state agencies. The increase must be implemented by midyear 2010, otherwise major cut backs will be required beginning in FY 2011. The details are still being worked out, but it appears that fees through June 30, 2010 will remain the same as they were in 2009, and then if approved by the Governor and 2010 Legislature, outfitters would see a \$25 increase for an outfitters license, a \$10 increase for designated agent and guide licenses beginning July 1, 2010. New outfitter application fees would increase by \$100 and late fees by \$50. Similar incremental increases are to be proposed next year via a rule change for consideration by the 2011 Legislature leading to annual or biennial increases being implemented over several years as in the past.

**THE OPERATING PLAN (OG-7 form)**

If you are applying to become a new outfitter or are an existing outfitter amending your license, the operating plan is a vital piece of your application and must be filled out correctly to be accepted. Here is a review of what needs to be submitted.

- a. A list of the activities to be conducted in the operating area(s) requested.
- b. A detailed map showing the operating area(s) requested for each activity and a worded description of the boundaries of said operating area(s), described in terms of rivers, creeks, and ridges with prominent reference coordinates (section, township, and range).
- c. An outfitter whose operation is solely on rivers, streams, lakes or reservoirs should specify put-in and take-out points, but need not send maps.
- d. A detailed description of how and when each operating area(s) will be used for each activity.
- e. The proposed number of guests intended to be accommodated for each activity within the proposed operating area(s).

- f. A list of the names and locations of camps that will be used for each activity, and whether on public or private land.
- g. A list of the basic equipment, facilities, and livestock, and proof of financial capability necessary to conduct the proposed outfitted activity or business.
- h. The number, title (guide, lead guide, etc.), and principal activities of individuals to be employed in the business operation.
- i. A plan to assure the safety and provide for emergency medical care of guests.

**TRAINING RECORDS AND COMPLIANCE**

Changes have recently been implemented to help outfitters streamline the process of reporting some types of guide training. The changes to IOGLB Rule .034 no longer require outfitters to turn in certified copies of training records for hunting and boat guide applicants. Instead, the outfitter shall keep the records for a period of one (1) year after employment ends and be available for inspection by IOGLB Board members and staff. In the past, certified training records were submitted to our office before licensing could occur. The training requirements have remained the same, just the reporting and storage of those records has changed. Reporting for snowmobile, ski, rock climbing and other guide license applications remains unchanged. Storage of training records by outfitters must be kept for three (3) years if the guide is involved in an incident or accident jeopardizing the health, safety and general welfare of a client.

The changes to on-line and hard copy training form procedures should be fully implemented by September.

If you have any questions, refer to rules at [www.oglb.idaho.gov](http://www.oglb.idaho.gov), or call us at (208) 327-7380

**INVASIVE SPECIES STICKERS REQUIRED**

New legislation requires boat owners, including outfitters, to purchase boat stickers to fight the threat of invasive aquatic species. The program is run through the Idaho State Parks and is administered by the Idaho Department of Agriculture. Stickers must be displayed on each boat and sell for \$5 for non-motorized, and \$10 for motorized boats. Fleet discounts are available. For more information call Idaho State Parks and Recreation Department at 1 (800) 247-6332, or visit their web site at [www.parksandrecreation.idaho.gov](http://www.parksandrecreation.idaho.gov) or the Idaho Department of Agriculture at 1 (877) 336-8676, or visit their web site at [www.agri.state.id.us](http://www.agri.state.id.us).