

# The Rendezvous

*The Official Bulletin*  
of the  
*Idaho Outfitters & Guides Licensing Board*



Spring 2012

## **CHAIRMAN'S PERSPECTIVE – WAYNE HUNSUCKER**

Over the last year the Board has handled quite a few (a lot really) of drug related cases and hearings associated with guide applications. Marijuana use in particular is a huge problem. Our last Board meeting was held as a special meeting primarily for this purpose. This meeting got to me. I have heard all the news on TV about the drug wars in Mexico and our southern border and all across the US. I am a person who does not do drugs and have no one in my immediate family that does. I've been surprised at some of the attitudes displayed towards and statements made about drug use in our meetings over this last year such as: *"It was just a childish indiscretion that has continued on through my life."* *"It was only...!"* *"They only stopped me for a driving infraction!"* *"There is a lot of drug use in my city, county!"* *"It was.....!"* *"It was my friend, who had the pot, I just happen to be with them when they were caught."*

Really!?! From my perspective, people are responsible for their own actions.

It seems that folks, our guide applicants included, who are using drugs or who are associated with them in some way have no concept of the terrible loss of life on both sides of the US border as a direct result of their actions. Every year **thousands** die in the so called drug wars. Nor do they have a sense of the huge financial burden this has placed on the rest of us. So, I have a real hard time issuing a license to anyone who is in this category. I believe there really must be a direct relation between actions and unintended consequences.

In the recent Board meeting mentioned earlier, we conducted eight license hearings in one day to address eight guide applicants all with some level of drug use or involvement. Considering the costs associated with processing those applications including those for the Board, attorneys and staff as compared to total fees received from these 8 applications including new application fees, annual license fees and special processing fees, it will take 3 license year renewals from these individuals to recover the \$\$ needed to process their initial applications. The outfitters and guides fees that the industry pays goes to offset the cost of these hearings that are not covered by special processing fees charged to the application that is limited to \$50 by our current rules.

In closing, I have 6 grand kids from 6 to 13 years old. I only hope they have learned better. Enough said.

## **LICENSING APPLICANTS WITH CRIMINAL HISTORY**

In May 2011, the Board adopted a policy where any licensed applicant who has a felony or misdemeanor conviction must be reviewed by IOGLB enforcement with their convictions scored using an objective scoring system found in policy 4007 – 2011. All applications generating 50 points or more, all felony convictions, all flagrant convictions of Fish and Game laws and failure to disclose information on an application are denied or are deferred to the Board to review. In the case of any denial

upon formal appeal, the applicant can appear before the Board to address matters associated with the conviction with respect to their licensure.

Upon receiving a complete application, when convictions are determined, guide applicants and their sponsoring outfitters are notified by Standard letter that additional review is required, whether the matter is to be denied or deferred and that a special processing fee is assessed on any guide or any other applicant whose license requires additional processing such as those that require IOGLB Enforcement review. Special processing fees are summarized in IDAPA 25.01.01.015.07. Appeal rights are explained in the letter.

By statute, the primary purpose of licensing outfitters and guides is to safeguard the health, safety, welfare and freedom from injury or danger of those persons using the services of an outfitter and the public in general. Therefore, putting qualified, capable, and conscientious people with unknowing members of the public trusting that licensed individuals providing services to them will do the right thing every time must continue to be a concern of this Board.

Since the adoption of this policy, 143 applications (primarily from guides) required additional review, with 25 of those applicants being required to appear at a Board meeting. Of those 25 applicants, 13 were licensed and put on standard terms of probation of 1 year, 6 more that were licensed are required to reappear or follow up in some way to the Board's satisfaction before being licensed again and 6 were denied. Standard terms of probation means that there can be no violation of any local, state or federal law and the person licensed must reappear should they hope to amend their license.

Some argue not recouping the total costs from someone who has brought problems on themselves that this Board must address and that this industry as a whole must finance may not make good sense. Others argue there is benefit help to the outfitters, in finding employees and

others argue this service helps protect an outfitter who may unknowingly employ a person who has a criminal background and finally, there is the argument that there is benefit to helping people with a criminal past get back into the mainstream of society.

## UPDATED USER MANUALS

Earlier this year, the Licensing staff updated and clarified the User Manuals for *New Outfitter Applications*; *Buying and Selling an Outfitter Business*; and *Major and Minor Amendment Applications*. The steps involved in working with the permitting agencies and with private lands owners; the procedures and use of the various forms were clarified as were the various fees involved. The Licensing staff is working to develop a Guide licensing handbook which should be available this fall. The manuals and forms are available on IOGLB's website at [www.oglb.idaho.gov](http://www.oglb.idaho.gov) – documents tab.

**LICENSING STAFF -** Lori Thomason, Office Supervisor

Lori was born and raised in Idaho. She and her husband enjoy the outdoor activities that Idaho has to offer, in particular riding motorcycles and horses, camping and fishing.



Lori started to work for IOGLB in January of 2007. Her past experience includes managing the Idaho Humane Society Clinic, Idaho Humane Society and Animal Control, Wireless Broadcasting Cable TV in Boise. Lori also holds a Producer License in the State of Idaho to sell all 5 lines of Insurance.

As the Office Supervisor, Lori is responsible for the day to day licensing process, and ensuring that the IOGLB office runs smoothly and efficiently. If you have bought or sold a business or amended your license you have spoken to Lori. She works closely with the federal agencies to ensure that the applications being submitted are properly completed. She always invites outfitters and designated agents to call anytime they have a question.

## **OUTFITTED TURKEY AND WATERFOWL HUNTING**

The Board is moving forward with a draft set of rules which they believe could help resolve a long standing moratorium on allowing outfitted turkey and waterfowl hunting in Idaho. Earlier the Board determined that there is no legal basis for this “moratorium”, but because outfitted turkey and waterfowl hunting has been a controversial subject, they’ve determined that rules must be promulgated to appropriately direct public interest in these potentially licensable business opportunities. These rules came about as the result of a Working Group’s efforts and after what was learned from the recent private land owner study conducted in cooperation with IDFG. They focus on providing a measured opportunity on privately owned lands.

Negotiated rule making requirements were recently clarified by the state legislature in the 2012 legislative session. As the result, the Board has decided to begin a negotiated rule making process now, in order to have adequate time to consider public input and to make an appropriate decision on these draft rules to be ready for the 2014 legislature.

Currently, the Board intends for these draft rules to update and clarify existing rules covering membership organizations and clubs. The activities of membership organizations and clubs have been a source of concern due to their competition with outfitters and sportsmen for access to private lands, and due to ambiguity in existing rule language of when they cross over into requirements requiring an outfitter license. More importantly, these rules, for the first time,

establish protocol for licensing outfitting on private lands. This was necessary for two reasons: 1) They clarify when a private land owner begins providing outfitted services and when an outfitter license is required. Private landowners charging a trespass fee, which historically, has been acceptable to this Board, is now clarified in this rule as continuing to be acceptable. 2) They clarify that with an outfitter’s license, that same landowner can legally advertise and provide other outfitted/guided facilities and services, or can lease land to an additional party who then may be licensed as an outfitter to do the same. Finally, these rules set the framework for outfitted turkey and waterfowl hunting, which in these rules, is focused on private land only. These rules would clarify that licensing outfitted turkey and waterfowl hunting on public lands or waters would come only after comprehensive analysis done by the appropriate agency managing the public resource in question.

In this capacity, these rules focus on establishing “high conflict areas” where limited but reasonable public access opportunities are on private land, and made possible by a land owner licensed as an outfitter or someone else leasing their land for that same purpose. In these high conflict areas, the provision of equipment, facilities and some services will be included and guiding will be limited. These areas will be identified by the Board cooperatively with the IDFG. In areas with less potential for conflict, outfitted provided access and guiding would be more extensive. A copy of the draft rules and other documents mentioned in the article are available on IOGLB’s website [www.oglb.idaho.gov](http://www.oglb.idaho.gov).

## **TRAPPING WOLVES**

The Board is also moving forward with a draft set of rules to allow outfitters and their guides to trap wolves during hunting trips and to allow hunting clients to accompany them, but to not participate in the trapping exercise itself. To do so, the outfitter and their designated agents and guides must have wolf hunting and wolf trapping properly amended to their license prior to providing those services to the public.

The Board's initial intent for this rule was for clients to participate in the trapping exercise including handling the traps and the trapped animals. With this in mind, it is important to recognize that most wolf hunting and trapping will occur on lands administered by the USFS. The USFS objected to this more extensive activity without their going through a needs assessment or possibly some sort of environmental assessment.

This rule confers a benefit to the industry of allowing outfitted clients to accompany a licensed guide during a wolf hunt where the guide checks his traps set for wolves. At this point, outfitted/guided clients would not be able to participate in the trapping exercise itself but only observe. This rule came as the result of an extensive discussion involving representatives from IDFG, USFS, BLM and several Board members, and consequently will at least allow some limited activity until this larger issue can be resolved.

The Board's long term thinking is that the clients might participate in an outfitted trapping excursion and the trapping exercise itself, provided the guide is properly trained. IDFG is aware of this and has indicated they are willing to be cooperative in addressing it and related matters in the future.

In March, the Board asked the USFS to start their "scoping" process to consider permitting the more extended activity which could then lead to a more inclusive rule from the Board. Their response was that they were unable to do this at the current time. The Board is following up on this response.

#### **Data System Provider – Use Reporting**

The Board's contract with the agency's data system provider has expired and it has learned that the State Division of Purchasing has a new statewide contract in place which state agencies must choose from. Larger agencies have in house Information Technology staff and this new statewide contract is for the benefit of the small agencies like IOGLB.

The development and maintenance of this data system is critical. Without it, all online applications, issuance of licenses, allocation of big game tags, maintenance of operating areas and use reports would stop. Additionally, a data system that is not working properly affects the accuracy of licenses, license history and staff efficiency. The staff can work no faster than the licensing data base will allow them to work.

While there has been a good relationship with the past vendor, there are some unresolved development/maintenance issues that have surfaced; most noticeably those affecting the outfitter use report forms last year and development of the online use reporting. Bringing on a new data service provider should enable those matters to be addressed; however, whether the online use reporting will be in place by January is doubtful.

#### **Clearwater Bear, Wolf and Cougar Management Overlap Policy –**

At a meeting earlier this year representatives from the Board, the Idaho Department of Fish and Game, and the Clearwater, Nez Perce and Bitterroot National Forests reviewed this initiative to have outfitters help increase elk calf survival by harvesting more bears, cougars and wolves and determined the plan had been successful and should be continued.

The dates for proposals were changed to reflect hunting seasons and license and permitting schedules. The use reporting requirements were also clarified. The Board believes that outfitters need to be actively involved in harvesting bears, cougars and wolves in this area to meet IDFG management objectives or action will be taken on the license via non use. This was clarified in the policy.

To simplify things, the process was changed to be for three years rather than one, and specific application forms and steps were created to provide consistency with what needs to be provided to the agencies in making appropriate decisions.

**South Fork Rules** – The Board has learned from the Palisades Ranger District and the Idaho Falls BLM District that they had not yet completed the analysis enabling the Board to promulgate rules for the South Fork of the Snake River. It appears that this process may be able to be conducted in 2013. It is the Board’s intention to update Teton River rules at the same time.

## **ENFORCEMENT**

### **Clearwater Outfitter Involvement Meeting**

IOGLB Enforcement Chief Randal Wadley along with host Clearwater County Sheriff’s Office presented an Outfitter Involvement meeting dealing with complaints on the Clearwater River at the Dworshak Dam Visitor Center. Approximately 25 outfitters and guides were present along with IOGLB Director Howard, Board members Alex Irby and Wayne Hunsucker, representatives of IDFG, BLM, USFS, and CCSO. The meeting dealt with the working relationship and partnership with the area law enforcement in dealing with complaints on the Clearwater River. Complaints are made by the public of licensed outfitters and guides “unprofessional conduct” by “waking” of fishermen in drift boats in the river or fishing along shore; moving in and over fishing holes, crowding out areas occupied by fishermen, disturbing the peace issues directly involving outfitters, guides, clients, and public fishermen by rude and offensive conduct toward each other; blocking access to boat ramps or take out points; cleaning of fish and discarding entrails in the river and not disposing of them properly at boat ramps. Complaints have increased and there is a need to increase law enforcement presence with inspections, making it easier to make complaints to enforcement, and alleviate illegal guided activity on the river.

The meeting was to develop a strategy of education for outfitters and their guides in the safe operation of power boats, courtesy toward fellow fishermen using the river as well as addressing concerns directly from the outfitters and guides group.

## **Training**

IOGLB Enforcement Chief Randal Wadley attended an RCO/DCO Conservation Officer meeting with Idaho Fish and Game Department heads at Albion, Idaho. The meeting involved a discussion with officers of a working relationship with IOGLB and covered enforcement intelligence; illegal activities; covert investigations; assistance with agencies; and generally the direction that IOGLB Enforcement is heading. This was an overnight retreat at the Miller Hall complex which included rock climbing instruction and a tour of the City of Rocks National Reserve by U.S. and Idaho Parks and Recreation.

The Board and Executive Director welcome your thoughts and ideas.

Please send to your comments to [licensing@oglb.idaho.gov](mailto:licensing@oglb.idaho.gov)