

The Rendezvous

The Official Bulletin
of the
Idaho Outfitters & Guides Licensing Board



Spring 2011

FEE INCREASE UPDATE

After receiving and reaching a compromise on a license fee increase with the Idaho Outfitters and Guides Association and various industry leaders in December, and after support from the House, the proposal died in the Senate Resources Committee in February.

The Board has decided to wait a year before again moving forward with the fee increase. In the interim, the Board has made two significant changes to help address funding issues

Education and Enforcement Supervisor Pat Beale took a medical leave of absence in February and was not able to return. The Board used this as an opportunity to reorganize the Education and Enforcement Division using part-time and full-time temporary staff to help address funding issues. This will save approximately \$20,000 in state benefit cost associated with that full time position. Randy Wadley will be the acting Education and Enforcement Supervisor until further notice. The Board will also refocus use of their Attorney and in doing so could trim an additional \$20,000.

The Board would like to thank Mr. Beale for his nearly three years of excellent service. He has allowed us to explain that he has successfully received a liver transplant, is in rehabilitation at the Cleveland Clinic in Ohio and plans to return to his home in Boise soon.

Randy Wadley was promoted in November 2010 as Education and Enforcement Supervisor. He is a lifetime Idaho resident, graduating from Idaho State University with a Degree of Applied Science in Law Enforcement.

He was hired with the Lewis County Sheriff's Office in 1978 and was elected as Sheriff in 2000. After 28 years of service he retired and accepted a job with the 4th Judicial District Marshall's Office in Boise as a Deputy Marshall, retiring again in 2008. He has over 35 years of law enforcement experience, holds basic, intermediate, advanced, and supervisor POST certifications and has over 2,500 hours of POST accredited and specialized training.

BOARD MEMBERS REAPPOINTED

Board Members Tom Long and Wayne Hunsucker were reappointed by the Governor in January. Mr. Hunsucker is beginning his 6th term and Mr. Long is beginning his second. Their terms end in 2014. Board Member Alex Irby was recently reappointed by the FG Commission, he must still be confirmed by the Senate in 2012. His second term ends in 2015.

NO LICENSES TO BE ISSUED JULY 5 -7

IOGLB will be converting to a new database system and processing licenses will not be possible. The plan is to take the system down including the online system for half a day. However, planning for unforeseen problems, all licensing including the online system may not be available from July 5 through July 7. Outfitters are encouraged to license all employees needed before hand.

USE REPORTS ARE CHANGING

Licensed activity use reports are being updated and reformatted. As was reported to all outfitters with the 2011 License renewal packets in December, beginning with the 2012 renewals, outfitters will be required to provide use information by operating area rather than by fish and game unit as in the past. Most of the changes involve land based activities with boating outfitters seeing little change.

The Board hopes to have a new use reporting system on line beginning with the 2012 license renewals and in sync with the outfitter license area descriptions and digitized area maps.

Outfitters are encouraged to review their licensed area descriptions and the digitized maps of these areas. This information can be found on IOGLB's website, <http://oglb.idaho.gov> under outfitter search.

The Board needs your help to make sure the worded area descriptions match the map. If the map is not accurate with the area description, please provide IOGLB a corrected map with a written explanation and the corrections will be made as quickly as possible. If you

believe the worded description is incorrect and if permitted by a state or federal agency, your permit manager will need to verify the wording by supplying IOGLB with the correct wording. Finally, if you're operating on private land and your area is not mapped or the information that is mapped is not correct, you will need to provide IOGLB updated information. Private land not previously licensed as an operating area must be submitted as a major amendment to have it properly licensed.

State law requires that an outfitter license issued by the Board shall specify the operating area and all activities for which the outfitter is licensed. It also requires that the conduct of an outfitted operation on any land(s) is not authorized unless signed permission, a permit, or a lease is obtained from the land owner(s), or their agent(s), and filed with the Board. With this in mind, all vacated, closed or terminated state and federal permits or private land leases must be reported to the Board and removed from the license by a minor amendment.

CONTACT WITH IOGLB

While the IOGLB staff strives to provide the outfitters with the best possible customer service, IOGLB's staff must be sensitive to the type of information being discussed and whose is involved. In the last 18 months they have received an increasing number of contacts from people not authorized to conduct business on behalf of the outfitter they claim to represent. The licensed designated agent or a sole proprietor, are the only authorized representatives of an outfitter's business licensed to conduct official business with the Board.

Examples are phone calls requesting sensitive outfitter business information received from persons representing themselves as employees, business partners, guides, spouses, various family members or relatives, girlfriends, boyfriends, and etc. Additionally, some contacts are becoming increasingly difficult for the licensing staff to verify or to work with. Several have been abusive and even threatening.

IOGLB staff will continue to be flexible working with outfitters and people who represent them on various matters. However, repeated occurrences outlined above will be addressed with the Designated Agent or the Sole Proprietor who will be expected to resolve the matter. Special Authorizations may be provided in certain instances when DA's or Sole Proprietor outfitters cannot be available. Formal requests will be considered by the Executive Director.

IOGLB's website www.oglb.idaho.gov under licensing has all the pertinent forms as well as a User Manual found under the documents heading that explains all the steps to submit an Outfitter amendment to add a designated agent.

OUTFITTER BUSINESS NAMES & LICENSURE

During the license renewal process, IOGLB determined that 12 outfitters did not have their business names properly licensed, and had not provided properly recorded certificates of liability insurance or had not properly registered with the Secretary of State.

These outfitters were notified and have corrected the problems. The Director explained that this had been viewed as a customer assistance matter and that no disciplinary action had been initiated.

The Board discussed this occurrence being a violation of State Law, and that it could invalidate the outfitter's liability insurance in the event of a claim. One outfitter's request that the Board waive an amendment fee bringing his outfitter license into compliance with state law was denied.

OUTFITTING ON PRIVATE LANDS

The IOGLB recognizes the rights of private landowners and business owners and, at the same time recognizes the needs and interest of Idaho sportsmen. The Board feels that it must do all it can to help promote the outfitting industry in the State of Idaho and, when appropriate IOGLB encourages private land owners to consider providing public access to their privately owned property for public outdoor recreation activities without allowing outfitters to monopolize public access or public availability.

The IOGLB has determined the conditions outlined below that it must take as a state agency, in licensing outfitters to provide public opportunities on private lands:

- The proposed outfitting opportunity should not restrict public access to public lands accessible only through the private lands that are being proposed for outfitting.
- The proposed outfitter operating area on private lands has the capacity to offer adequate hunting, fishing or recreation opportunities. Typically, land based operations and terrain not conducive to the proposed activity are not considered.
- There should not be fish or wildlife issues identified by IDFG that cannot be reconciled by the private landowner and outfitter to the satisfaction of the licensing board.

- Private land owners holding IDFG Shooting Preserve Permits who wish to provide outfitted or guided services must obtain and maintain appropriate IOGLB license(s).
- Outfitter licenses will only be issued to the applicant applying for the license. The landowner(s) will have no controlling interest in the license unless they are the applicant(s).
- The proposed activities on the private land are not in direct conflict with other outfitters in the area.
- Once licensed, the outfitter must maintain with the Board a record of all lands that are going to be outfitted during a given year. Changes must be recorded by submitting revised legal descriptions, maps, and private landowner sign-off. IOGLB will review operating areas. Most often an amendment must be submitted.

The Board has been working to clarify and improve these processes with the Idaho Department of Fish and Game and with the FG Commission.

PRIVATE / STATE LAND CAPACITY ANALYSIS

A sliding scale calculator proposed by Board member Korell which can be used as guidance to the Board in setting client limits for elk and deer hunts for new outfitters operating on state and private lands and which might possibly be modified for other use was adopted for a three year trial period during the Board may meeting.

The calculator to be used on as needed basis would set client limits derived from a target harvest limit that is based on total harvest and user data entered into the calculator by IOGLB staff. At this time, it is intended to be utilized only in IDFG units with 35% or more private land; where there are no (or minimal) controlled elk and deer hunts; or in areas where biological resources issues might surface.

This process would essentially “cap” the outfitted hunts in a given unit. Limits would be placed on a new outfitter licensed at the time licensure is determined by the Board. Existing outfitters would be notified and given the opportunity to comment.

It was discussed that once capped, that the unit be recalculated periodically say every 5 years like the Board does currently with big game allocation. It was also suggested that if a business is sold or should there become a resource management issue affecting that hunting, the calculation could be done and caps set following IDAPA 25.01.01.026 - Operating Area Adjustments.

OUTFITTED TURKEY AND WATERFOWL HUNTING

The Board and IDFG are continuing to work towards a solution to a long standing moratorium on outfitted turkey and waterfowl hunting. Information from the Board’s May meeting can be viewed in the Board's meeting minutes of it website www.oglb.idaho.gov under Board Meetings

BOARD TO UTILIZE HEARING OFFICERS

The Board plans to utilize hearing officers to hear disciplinary matters. They will research laws, regulations, and policies, and then make recommendations to the Board regarding disciplinary action. The Board will then review the hearing record, decide whether additional testimony is needed and will then make the final decision on disciplinary action and resolution. Litigants can request to appear before the Board at this time.

This is being done in an effort to minimize wages, travel, and expense costs for the staff and Board. Disciplinary hearings often take considerable time and this will also allow Board members who have private businesses of their own to maximize the best use of their time.

EDUCATION AND ENFORCEMENT REPORT

November 1, 2010 to April 30, 2011

- 77 Total Cases – 63 cleared
- 5 Arrests and/or waiting on trial
- 2 Idaho Criminal Citations or Criminal Complaints Filed
- 5 Administrative Citations
- 10 Administrative Complaints, Violations, Review
- 12 Cases Being Worked Covertly
- 4 Idaho Fish and Game Violations
- 1 U.S. Forest Service Violations
- 10 Referred to Board Prosecutor
- 6 Cases Referred to Outside Agency

LICENSNG FELONIES AND MISDEMEANORS

Recently the Board adopted a policy providing guidance to IOGLB Enforcement staff regarding the review of license application with convictions involving misdemeanors, flagrant IDFG violations and felonies. There had been some confusion regarding whether citations and infractions such as for speeding which do not have to be reported.

An objective numerical based formula was put in place which staff will now use to determine which applications the Director would defer to Board for their consideration.

The policy including the scoring chart is available on IOGLB's website at www.oglb.idaho.gov under policies. The Board also allows the Director the discretion to defer any application in which he has concern. This will give the outfitter and the applicant some sense of which application will be slow to process or which may be denied.

Prior to authorizing license applications, outfitters are urged to check the individuals they hope to license and whom they intend to authorize through Idaho State Repository at www.idcourts.us.

This website is free to the public, and has pending and closed court case history of all persons who have received any traffic or criminal citations, criminal or civil judgments, misdemeanor or felony convictions, fish and game convictions in the state of Idaho. Information is available from 1995 forward and is available with all 44 Idaho counties. You can search by name or court docket number.

Outfitters and license applicants are encouraged to read the application requirement and forms, complete the forms accurately and provide the information as directed in a timely manner.

Outfitters who authorize an application, and the applicants themselves, are asked to understand that failure to disclose information is technically grounds for automatic denial and grounds for disciplinary action. Additionally, the IOGLB can file a complaint in District Court where those persons providing false or misleading on a state application could be convicted of a misdemeanor. The Director has the discretion on how to handle these matters.

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. 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.

INTERAGENCY AGREEMENTS

The long standing Memorandum of Understanding (MOU) between the USFS, BLM and IOGLB has been reauthorized for an additional five years and a new MOU with the Idaho Department of Parks and Recreation was authorized in May. Both agreements provide guidance on coordination of commercial permitting processes with IOGLB's outfitter licensing.

YOUR INPUT IS WELCOME

The Board and Executive Director welcome your thoughts and ideas.

Please provide your comments to licensing@oglb.idaho.gov.