



State of Idaho
Division of Occupational and Professional Licenses
Outfitters and Guides Licensing Board

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Board Meeting Minutes of 4/11/2023 and 4/12/2023

Board Members Present: Brad Compton - Chair
Tammy Overacker
Dennis Skinner
Louise Stark
Erik Weiseth

Division Staff: Anne Lawler, Executive Officer
Greg Loos, Legal Counsel
Skip Liddle, Inspections Program Manager
Zac Clifford, Designations Specialist
Cesley Metcalfe, Board Support Supervisor
Susan Knapek, Licensing Specialist
Christian Runnalls, Board Support Specialist

Others Present: Eric Nelson

The meeting was called to order at 9:00 AM by Brad Compton.

Approval of Minutes

A motion was made and seconded to approve the 6/22/2022, 7/26/2022, 9/21/2022, 11/1/2022, 12/16/2022, and 2/16/2023 minutes with corrections. The motion carried unanimously.

BOARD BUSINESS

Idaho Fish & Game Update: Rick Ward presented an update on IDFG tag allocation, stating the IDFG Allocation Commission is working with IOGA on changes to the allocation process. He and Tara Reichert updated the Board on the upcoming online outfitter portal. Mr. Ward gave an update on Chronic Waste Disease (CWD) showing the concentration of CWD in Unit 14 and the Slate Creek Area, stating that CWD is more prevalent in White Tail Deer. Mr. Ward gave an update on Senate Bill 1143, House Bill 143, House Bill 144, House Bill 156, House Bill 304, and Senate Bill 1049. Mr. Ward and the Board discussed wolf trapping education and permitting. Mr. Ward stated the tentative draft wolf management plan will be taken to the commission meeting. IDFG is in the process of receiving public comments about the wolf management plan.

Other IDFG Topic: Mr. Clifford stated he met with Ms. Reichert to discuss the Outfitter portal, stating the development stage for the portal is still early.

Ms. Lawler stated she met with IDFG about GIS mapping. The mapping for outfitter areas has not been recently updated. The cost to have an IDFG GIS mapper update outfitters' mapping would be between \$6,000 and \$8,000. Another issue with accurately mapping outfitter areas is descriptions of outfitter areas are not well-defined. Mr. Compton stated the map is important for the Board's regulatory function. Ms.

Lawler stated the Fish and Game Hunt Planner Platform is unnecessary and only a marketing function and the urgent focus is to get outfitter area maps up to date. She stated maintenance of outfitting area maps will be an ongoing and unclear issue due to the unknown cost. The Board stated updating outfitter area maps is a priority and asked the Division to provide options for the maintenance of maps at the next meeting.

Designation Use Hardship and Transfer Adjustment Process: Mr. Los explained how the designation process works and the issues with the process that is being fixed with new rules passed. The Board discussed transferring tags vs using tags.

Public Comment:

George McQuiston: Mr. McQuiston stated he believes his reconsideration request proves his use of the tags he is requesting.

Aaron Lieberman, Idaho Outfitters and Guides Association, (IOGA) appreciate public comment at the beginning of the meeting. He likes the new newsletter updates. He stated the Board has improved over the last three years. IOGA has strong opinions about reporting use and how use is counted. He stated IOGA believes reporting use for fishing is overly complex. He wants more diverse members of the industry to provide input on use reporting before the Board makes any changes. He stated IOGA wants mapping to be maintained due to possible unlicensed and inaccurate outfitter activity due to mapping inaccuracies and stated he is happy to work with the Board to maintain the mapping function. He stated IOGA has a meeting about illegal outfitting coming up and requested the OGLB complaint form have an indicator for unlicensed outfitting. He stated Idaho Red Side Rendezvous is coming up and would like to see Board participation at the event. He gave an IOGA legislature update. He stated IOGA submitted a formal objection to the Sawtooth management decision. He stated he did not know about the extent of the designation rule change and how that affected outfitter use and argued a transferring outfitter could still retain use. He agrees with the Board's comments on designations. He stated it would be good for the Board to identify changes and do outfitter outreach for changes in rules.

Matt Craig: Mr. Craig asked why April 10 is the official start of the waitlist process and what risk would the Board assume if the waitlist deadline moved to May. He stated that May would be preferable because designations are not available to outfitters in April.

Executive Session

A motion was made and seconded to enter executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to obtain or retain a license or registration. The vote was: Mr. Skinner, aye; Mr. Weiseth, aye; Ms. Overacker, aye; Ms. Stark, aye; and Mr. Compton, aye. The motion carried unanimously.

A motion was made and seconded to exit executive session. The motion carried unanimously. No decisions were made in executive session.

A motion was made and seconded to deny the request for reconsideration for Castle Creek Guides due to the outfitter not experiencing hardship and to enforce Board principles on deadlines. The motion carried unanimously.

A motion was made and seconded to accept capped elk designation with guidance using random draw in pioneer B hunt. The motion carried unanimously.

A motion was made and seconded to reduce tag designation in outfitter G due to non-use in controlled deer until 1157 and accept other designations as presented. Following discussion, the motion passed. Ms. Overacker was recused.

A motion was made and seconded to accept controlled deer allocation and reduce tag designation in outfitter C due to non-use. Following discussion, the motion passed unanimously.

A motion was made and seconded to use original hardship numbers where each hunter gets tag use for one tag in hunt 2225, accept all other controlled Elk, and use random number draw for hunt 2226. The motion carried unanimously.

Recognition of Joan Callahan: The Board recognized Joan Callahan for her service to the Board.

Overlap Topics: Ms. Lawler stated a state-wide predator overlap policy is unfeasible and will work on request forms and processes to present to the Board at the next quarterly meeting.

Updates from Forest Service Meeting in Kamiah: Mr. Compton stated the meeting was well received and well attended. The changes in guide licensure generated the most questions. He stated Nez Clearwater added four new recreational positions from the forest service. He stated Jeff Ward discussed the new cost recovery. The Forest Service is anticipating a new forest plan.

River Topics: Ms. Lawler stated DOPL is no longer issuing stickers until licenses are renewed. The Board discussed boat sticker enforcement and standards. The Board decided the owner of the Boat is responsible for sticker identification.

SNRA Outfitter and Guide Management Plan (Susan James): Susan James gave an overview of the management plan, stating it is for advising plans for outfitters and guides activities and provides direction for them. She stated she did a needs assessment over multiple years, reviewed objections to the management plan, and is currently waiting on a biological assessment for the plan.

Rule Change Request Form Requirements, Process, Timeline: Ms. Lawler asked the Board how they want to approach rule change requests. Mr. Loos suggested a form on the website for issues in rule and statute as a great way of discerning issues with rules and statute. The Board discussed ways for outfitters to submit possible changes or requests to the Board. The Board stated its priority is rule changes for the river section and wants the river section chart to stay dynamic.

Public Comment:

Mr. Rich Friend, Riggins water outfitter, stated there are only a few outfitters operating on his section of the Salmon River and requested more licensed outfitters be licensed on the SA7C.

Mr. Kurt Killgore stated there is no congestion in that area due to the water level and it's been a big section of no use. He stated drift boats and jet boats operate well together in this area but having an area of water that cannot be licensed negatively impacts his business. He argued the public would be better served with closer, half-day trips if the Board licenses this section of the river.

Mr. Jeff Baugh stated his business would be negatively affected, but there is a need to address the issue of non-use in that section of the river. He stated he wants services brought to the public and jet boats are currently very limited on the river. He agreed with Mr. Weiseth about forming a group of interested parties to address river use.

MOU Updates: Ms. Lawler stated the work-in-progress multi-party MOU redline is from Yvonne. This MOU will then need to go to the federal agencies for review. She also stated the IDFG MOU is being worked on with GIS mapping and enforcement becoming part of the MOU. Mr. Clifford stated the Parks and Rec MOU has expired and will need to be looked at after the IDFG MOU is renewed. He also discussed establishing an MOU with the Department of Land.

River Topics: Mr. Clifford stated CF1 has a waiting list because IDFG has not authorized any more outfitters due to concerns about the local population. An outfitter has requested a license to operate on the river. Mr. Weiseth stated CF1 changes will be added to the July rule changes. Mr. Clifford stated IDFG is open to allowing Float outfitters.

Licensure Topics: Ms. Lawler presented the licensing report and Mr. Compton reviewed the Licensee status report. Ms. Lawler stated a lot of amendments to the license can be approved by staff and only a few need EO approval.

The Board discussed license authority and Board powers over buy-sell agreements. The Board discussed Buy-sell agreements being separate from the license regulation.

A motion was made and seconded to allow staff to approve minor amendments without EO review. The motion carried unanimously.

Licenses for Non-Contiguous Areas: The Board discussed licenses for non-contiguous areas. Ms. Lawler stated the Board wants consistency going forward. The Board has let private land that is noncontiguous be on the same license. The Board discussed that it can't make a change until the fiscal impact is understood. The Board authorized Division staff to license noncontiguous private land on the same license. The Board discussed removing separate licenses for noncontiguous land.

Definition of First Aid Requirements: The Board discussed the definition of first aid requirements. Mr. Weiseth stated he gets questions about what qualifies as a certified first aid requirement. The rules state a Red Cross or "comparable" course qualifies. The Board discussed what counts as a comparable first aid course. The Board requested a list of approved courses that can be updated as new courses are approved by the Board. The Board is a proponent of online courses. The Board will post a list of approved courses on the website.

Maintaining Non-Use: Ms. Lawler stated the new website will have a use reporting system. The Board wants to revise and simplify use reporting requirements for outfitters. Ms. Stark is concerned with water-based non-use. The Board wants non-use addressed through this use reporting system. The Board also wants to look at negligible use.

Standardization process and application requirements: The Board discussed the process for new outfitting opportunities. The Board discussed using a scoring sheet as the objective way to select the best-qualified candidate for a new outfitting opportunity. The Board wants outside entities to help score candidates. Mr. Loos cautioned that this scoring process would be anti-competitive because it favors more established outfitters. Mr. Compton disagreed and argued the most qualified should be given the opportunity to best serve the public. The Board also argued the most established may not be the highest-scoring outfitter for a new opportunity. The Board clarified the waitlist is competitive, not first come first serve. The Board stated new activities will be the majority of new opportunities. Mr. Weiseth wants a process in place to help outfitters get started on creating new activities through the Board. Mr. Weiseth stated he would work with staff to develop an available opportunities process and applications.

Ms. Stark brought up the Stans Potts prospectus and does not want this abandoned area to become non-outfitted. Mr. Compton stated once a process for new opportunities is created, the Board will apply that to the Stan Potts area.

Public Comment:

Aaron Lieberman stated IOGA understands the designation use of tags is prioritized by the highest historical use. The duplicative tag could be counted as use if IDFG increases tags and recognizes use for all outfitters. Mr. Lieberman stated the extra tag is not an issue and wants a transferring outfitter to have his use counted as a non-allocated tag even when his transferred tags are taken from the pool. He stated IOGA wants to incentivize transferring tags and warned that not getting use from a transferred tag will disincentivize transferring. He stated contact information for new outfitting opportunities should be made public by the Board because the “federal source is broken.” His final statement was that tags are public services utilized by outfitters.

DIVISION BUSINESS

2023 Legislative Session Overview: Ms. Lawler provided a Legislative Update on Senate Bill 1051, Senate Bill 1085, House Bill 74, House Bill 197, Senate Bill 1023, and Senate Bill 1109. Ms. Lawler also discussed how the Division is implementing the newly passed rules.

Guide Licensure Timeline: Ms. Lawler stated the issue with implementing the new independent guide licenses the licensing system recalibration to Access Idaho will take time. The division will not be able to start the implementation of guide licenses until the beginning of the 2024 calendar year. The Board discussed the biannual renewal system. Mr. Compton stated he wants education and information dispersed to guides so they understand their new licenses.

Executive Session

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A motion was made and seconded to exit executive session. The motion carried unanimously. No decisions were made in executive session.

Discipline

A motion was made and seconded to close case number I-OGB-2022-11. The motion carried unanimously.

A motion was made and seconded to approve the Consent Order in case numbers I-OGB-2023-5 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to approve the Consent Order in case number I-OGB-2023-6 and to allow the Board chair to sign on behalf of the Board. The motion carried unanimously.

A motion was made and seconded to close case numbers I-OGB-2023-12, I-OGB-2023-13, I-OGB-2023-17, and I-OGB-2023-18 with an advisory letter. The motion carried unanimously.

DOPL Strategic Plan: Ms. Lawler explained the three main goals of DOPL’s strategic plan: lead through transparency and exceptional customer service, public protection through consistent enforcement, and make recognizable and measurable reform through permissionless innovation.

Confidentiality, Conflict of Interest, and Honoraria Policies: Mr. Loos presented the Confidentiality and Conflict of Interest agreements and the Honoraria policy.

DOPL Policy on Board Policies: Mr. Loos stated the Board has had background policies that are now mute. Going forward, any policy that applies to licensees must go through the rule change process. Mr. Compton stated he wants the outdated Board policies toward licensees removed.

Financial Update: Ms. Lawler gave the financial report, which indicated that the Board had a cash balance of \$628,643.91 as of April 10, 2023

LIS System Update: Ms. Lawler stated the bid for the new LIS system is underway and the Division will choose based on the best score and offer for the new database.

BOARD BUSINESS

Board Chair and Vice Chair Election Schedule: Ms. Lawler stated the next quarterly meeting will be elections. She stated elections will occur annually and confirmed there are no term limits.

Meeting Schedule for 2023: the Board discussed rule change goals for this year. Clark Fork, Hayden Lake, Ghost Tags, and other rule changes will be brought to the Board in the July quarterly meeting.

Adjourn

There being no further business, the meeting was adjourned at 3:31 PM.

The next meeting is on 05/17/2023.