

**OUTFITTERS AND GUIDES LICENSING BOARD**  
**Division of Occupational and Professional Licenses**  
P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 6/7/2022**

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**BOARD MEMBERS PRESENT:** Brad Compton - Chair  
Eric Weiseth  
Tammy Overacker  
Louise Stark

**DIVISION STAFF:** Anne Lawler, Bureau Chief  
Kent Absec, Licensing Program Manager  
John Price, Investigative Unit Manager  
Nicholas Krema, General Counsel  
Tim Frost, Deputy Administrator  
Cesley Metcalfe, Board Support Supervisor  
Christian Runnalls, Board Support Specialist  
Emily Rough, Board Support Specialist

**OTHERS PRESENT:** Joan Callahan, Legal Counsel  
Eric Nelson, Board Prosecutor  
Misty Lawrence, Division of Financial Management  
Aaron Lieberman, Idaho Outfitters and Guides Association  
Jeff Bitton, Idaho Outfitters and Guides Association  
Amanda Harper, Division of Financial Management

The meeting was called to order at 8:31 AM MDT by Brad Compton.

**INTRODUCTIONS**

Mr. Weiseth introduced himself as a new Board member.

**EXECUTIVE SESSION**

Ms. Stark made a motion that the Board 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 retain or obtain a license or registration. It was seconded by Ms. Overacker. The vote was: Mr.

Weiseth, aye; Ms. Overacker, aye; Ms. Stark, aye; and Mr. Compton, aye. Motion carried.

Ms. Overacker made a motion to leave executive session. It was seconded by Ms. Stark. Motion carried. No decisions were made in executive session.

## **PUBLIC COMMENT**

Mr. Lieberman stated that he has been contacted by outfitters claiming that their renewals have been delayed and he requested that they be renewed quickly.

## **DISCIPLINE**

Ms. Stark made a motion to ratify the Order of Emergency License Suspension for licenses 9051D and 9051G. It was seconded by Ms. Overacker. Motion carried. Mr. Weiseth was recused.

## **APPLICATIONS**

Ms. Stark made a motion to approve application 23356G for licensure under general probation during the first year of licensure. It was seconded by Ms. Overacker. Motion carried.

Ms. Overacker made a motion to approve application 23366G for licensure. It was seconded by Mr. Weiseth. Motion carried.

## **ZERO-BASED REGULATION**

Mr. Crema gave a very brief summary of the public listening sessions held on behalf of the Board and stated that the Idaho Outfitters and Guides Association (IOGA) provided extensive comments on the draft rules during the sessions. Mr. Crema further stated that during the listening session held in Salmon, several outfitters submitted comments regarding an amendment to Rule 57.04.a.

Mr. Frost outlined the remaining steps in the ZBR process.

Ms. Lawler restated the purpose and process of ZBR. The Board reviewed staff recommendations for the rules outlined below. Unless otherwise stated, the Board approved the recommendations presented.

Rule 057 – Designation of Allocated Deer and Elk Tags:

Division staff stated that based on an IOGA request to clarify that tags are designated to an outfitting business and not an individual outfitter, references to 'outfitter' have been updated to 'outfitting operation.' The reference to big game season setting was also replaced with language regarding Idaho Fish and Game Commission (IFGC) tag

allocations for clarity. Language regarding base allocation in subsection 01 was deleted as duplicative of Idaho Code § 36-2120(b). Subsection 02 was reworded for clarity. Subsections 02.a and 02.b were deleted as unnecessary. Subsection 04.a was updated to state that the Board will not average two years of use for hunts where IFGC adjusts the number of allocated tags after the first year that the hunt was allocated tags. Subsection 05.a was updated for clarity and to align with changes made in subsection 04.a. Subsection 06 was revised to deal with situations when there is a decrease in the number of allocated tags. Subsection 07 was updated to align with changes made in subsection 05. Subsection 08 was reworded for clarity. Subsection 09 was updated with a specific date for tags to revert to the pool to provide certainty to outfitters. Unnecessary language was deleted in subsection 09.a and subsection 09.b was reworded for clarity. In subsection 11, examples were deleted and replaced with a statement regarding good cause for hardship requests.

Rule 058 – Number of Outfitters and Guides Limited and Rule 059 - River, Lake, and Reservoir Power and Float Outfitter Limits:

The Board and Division staff discussed the challenges of updating this rule for multiple reasons, including the difficulty in identifying the different land managers and which river sections have federal oversight. If the oversight agencies can be determined Mr. Weiseth voiced support for adding overarching summary language regarding land managers, keeping in rule only what is in the Board's purview, and placing the remainder of the waters in tables on the Board's website so that they can be updated quickly when land managers make changes. Mr. Compton was in support of the idea but voiced doubt over the ability to identify oversight agencies in the limited time available. Ms. Stark stated that she is uncomfortable splitting the information and stated that it should all be together, whether in rule or policy. The Board questioned the enforceability of moving the table to policy instead of keeping it in rule. Ms. Callahan stated that as long as the license has the limits listed, outfitters out of compliance could be disciplined for working outside of their scope of practice. Mr. Compton stated that it is difficult to make timely adjustments to the table. Mr. Frost stated that the ability to make quick adjustments is through the promulgation of a temporary rule, but that if the information is moved to policy steps can be taken to make the tables enforceable. Mr. Weiseth stated that the current table format with listed restrictions limits non-competing opportunities and inherently stops individuals from being creative about new recreational opportunities in areas that aren't listed. Division staff will provide suggested language at a future meeting. No changes were made.

Rule 053 – Controlled Hunts Outside of Outfitters Operating Area:

This rule was moved to a subsection of Rule 026 during the 4/26/22 meeting. Ms. Stark suggested updating the new rule (026.05) to specify "once in a lifetime" hunts to align with Fish and Game verbiage and to exclude elk and deer as they are part of the allocation and designation process. The Board instead chose to list bighorn

sheep, moose, and mountain goats because sheep are not “once in a lifetime” hunts. The Board discussed whether Hot Pursuit is necessary in rule.

#### Rule 010 – Compliance with Laws:

This rule was retitled “Disciplinary Action/Unethical and Unprofessional Conduct” and incorporated rule 002.27 during the 3/28/22 meeting. Division staff asked for additional information regarding the current inclusion of business-related items, such as failure to pay, selling lifetime excursions, and failure to report violations. The Board deleted “failure to pay” from the rule and added breach of contract for not paying a guide to Idaho Code § 36-2113(7). Ms. Stark stated that the purpose of listing selling lifetime excursions as a disciplinable offense may have been because it created scenarios in which unidentified individuals or companies had a financial interest in an outfitting business. The Board directed staff to delete “selling lifetime excursions” and reword subsection 05 to cover the scenario. Subsection 05 regarding “operating under a name” was then deleted because it is covered in licensure requirements. Subsection 07 regarding failure to report violations was deleted and the language in Idaho Code § 36-2113(6) will be updated to cover this. A subsection was added to make aiding and abetting violations of the laws and rules a disciplinable offense.

#### Rule 012 – Outfitter Responsibilities:

Mr. Weiseth questioned the need for subsection 01 as it is not possible to maintain a safe campsite at all times as outfitters are not in control of all factors that may contribute to unsafe conditions, that outfitters already know they shouldn’t place a camp in an area for which they are not licensed, and that the placement of camps within an operating area is offered as advice. The Board reviewed input from IOGA requesting the deletion of this rule except for a reference to the outfitter’s operating plan. The Board then discussed whether Rule 012 is necessary or if the items listed are already covered by the revised Rule 010 which deals with disciplinable offenses. The Board revised the rule to state that an outfitter is responsible for maintaining operating plan standards, deleted all subsections of the rule, and directed staff to ensure that the deleted items are covered on the operating plan forms.

#### Rule 034 – Guide Application Requirements – General:

The IOGA requested that the Board add CPR to subsection 01. The rule was reworded to require that guides maintain an American Red Cross first aid certification or an equivalent certification that is acceptable to the Board.

#### Rule 035 – Guide Application Requirements – Hunting:

Mr. Weiseth asked why there is an apprentice guide just for hunting but not for any other activity. The Board stated that it previously discussed the need for apprentice or trainee requirements. The Board deleted subsections 01 and 02.

Rule 040 – Float Boatman Qualifications – Classified Rivers:

The Board deleted the requirement for “direct” supervision from this rule.

Rule 041 – Float Lead Boatman Qualifications:

The Board deleted the requirement that one trip must have been completed within 60 months preceding the date of the application on each classified river for which a lead boatman has applied.

Rule 42.01 – Power Boat Guide – Classified Rivers:

Mr. Weiseth stated that Salmon Falls no longer exists. The Board deleted the 25-hour exception for specified river sections as unnecessary

Rule 054 - Boat Equipment Requirements:

Based on questions from the Board, Division staff will research federal identification requirements.

Rule 055 – Boating Client/Guide Ratio:

The Board deleted this rule as unnecessary because it is covered by Rule 010.

Rule 044 – Skiing, Non-Hazardous and Hazardous Terrain Outfitter, Designated Agent, Ski Guide and Ski Guide Trainee:

The Board deleted subsection 01.a as redundant of application requirements. The Board stated that it needs input from subject matter experts before making a change to subsection 02.

Rule 046 – Technical Mountaineering/Rock Climbing Guide:

The Board reviewed changes to this rule that were discussed during the 4/26/22 meeting. Mr. Weiseth asked why the application requirements are listed differently than other activities instead of being part of a guide application and operating plan. He also questioned why rock-climbing guides must have five years of experience when other activities have much lower experience requirements. The Board stated that it needs input from subject matter experts before making changes to the rule.

Rule 047.02 – Snowmobiling Guide - Avalanche:

Mr. Weiseth suggested deleting the phrase “have good leadership qualities” and questioned why the avalanche statements are not consistent between ski guides and snowmobiling guides. The Board deleted the leadership phrase and directed Division staff to work on consistency for avalanche knowledge.

Rule 063.03 – Snowmobiling – Emergency Equipment:

Mr. Weiseth suggested rewording the phrase “necessary emergency equipment” to consider rare circumstances. Division staff will present revised language at a future meeting.

Rule 052 – Boat Transport of Hunting Clients:

Ms. Lawler stated that IOGA submitted a comment recommending that all boatmen should be licensed to outfit for big game hunting in that area or have an agreement in place with the licensed hunting outfitters in that area. The Board discussed that this rule exists to try and minimize the occurrences of drop camps in an outfitter’s operating area.

## **ADJOURNMENT**

Mr. Compton adjourned the meeting at 1:29 PM MDT.