

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

Board Meeting Minutes of 7/12/2022

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

DIVISION STAFF: Anne Lawler, Bureau Chief
Kent Absec, Licensing Program Manager
Nicholas Krema, General Counsel
Bob Mclaughlin, Public Information Officer
Cesley Metcalfe, Board Support Supervisor
Christian Runnalls, Board Support Specialist

OTHERS PRESENT: Joan Callahan, Naylor and Hales
Adam Bass, Boise River Outdoor Opportunities
Amanda Harper, Division of Financial Management

The meeting was called to order at 12:00 PM MDT by Brad Compton.

PUBLIC COMMENT

Adam Bass asked the Board how to get licensed on the BO1 section of the Boise River and requested that the Board work with the National Forest Service to provide more licensure opportunities.

TEMPORARY DESIGNATION RULE

The Board reviewed a draft of changes to Rule 057. The changes are proposed to address tag use history for hunts that have only one year of allocated tag use instead of two, allocated tag decreases, and tie-breakers.

ZERO-BASED REGULATION

Rule 002 – Definitions:

The Board removed subsection 03 because all other references to booking agents have been deleted from the rules. Subsections 06 and 08 were deleted and will be added to definitions in statute. The Board simplified the definition of fishing in subsection 10 to refer only to IDAPA 13.01.11 and as authorized in the outfitter's approved operating plan. The Board discussed subsections 11 and 23, and how to define float boating and power boating. The language was simplified by removing

references to downstream steering and by specifying horsepower limits. Subsection 25 was deleted as unnecessary for the Board to regulate.

Rules 015 and 025:

The Board combined Rules 015 and 025 into a new Rule 019 to create one section with license renewal information.

Rule 18.05 – Insurance:

The Board discussed removing the insurance requirement. Mr. Krema stated that requiring licensees to have insurance is common and that it provides financial recourse to clients who have been significantly injured. The Board agreed that this requirement was necessary for public protection and no changes were made.

Rule 020 – Outfitter or Designated Agent Responsibilities:

Previously Rule 012, this was moved to new Rule 20 at the 3/28/22 meeting. The Board reviewed an IOGA recommendation to add a provision stating that outfitters are also “responsible for the actions of all guides and other employees while in the scope of their employment”. The Board agreed to this addition.

Rule 034 – Guide Application Requirements – General:

Mr. Weiseth stated that outfitters should not be responsible for guide licensure. He stated that making guide licensure independent will be easier for outfitters and guides and that it increases guide accountability. The Board discussed the importance of guide training verification and the possibility of adding a one-time jurisprudence exam requirement for guide licensure. The Board authorized Division staff to work with Mr. Weiseth on this Rule to present recommended language at a future meeting.

Rule 052 – Boat Transport of Hunting Clients:

The Board updated this rule to require that boatmen transporting hunting clients must either be licensed to hunt big game in the drop area, or they must have entered into an agreement with the licensed outfitter for the drop area.

Rule 059 – River, Lake and Reservoir Power and Float Outfitter Limits

The Board discussed multiple approaches to updating this rule, including moving the table to policy, leaving the table in the rule, or deleting the parts of the table for bodies of water that are regulated by federal land managers. Ms. Lawler stated that additional research is needed if the Board chooses to delete only sections of the table. Mr. Compton supported leaving the table in rule to seek public input through the normal rulemaking process. Ms. Stark and Ms. Overacker supported moving the table to policy but would want a thorough use analysis performed on current

licensees before offering more opportunities. Mr. Weiseth supported moving the table to policy to allow the Board to be more responsive and timelier to requests made for table updates. Ms. Callahan suggested that the Board could seek authority from the legislature to handle this table by proclamation. The Board tabled any changes to the rule until staff can provide more information on regulation by proclamation.

ANOTHER MEETING was scheduled for August 3rd at 1:00 PM MT.

ADJOURNMENT

Mr. Compton adjourned the meeting at 4:13 PM