

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

Board Meeting Minutes of 7/26/2022

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

DIVISION STAFF: Anne Lawler, Bureau Chief
Kent Absec, Licensing Program Manager
Skip Liddle, Investigative Unit Supervisor
Nicholas Krema, General Counsel
Cesley Metcalfe, Board Support Supervisor
Christian Runnalls, Board Support Specialist

OTHERS PRESENT: Joan Callahan, Legal Counsel
Landon Brown, Legal Counsel
Jessica McFarlane, Idaho Outfitter and Guides
Association

The meeting was called to order at 8:30 AM MDT by Brad Compton.

EXECUTIVE SESSION

Mr. Weiseth 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 a license or registration. It was seconded by Ms. Stark. The vote was: Mr. Weiseth, aye; Ms. Stark, aye; Ms. Overacker, aye; and Mr. Compton aye. Motion carried.

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

DISCIPLINE

Ms. Stark made a motion to close case number OGB-2021-60/61. It was seconded by Ms. Overacker. Motion carried.

SNRA ENVIRONMENTAL ASSESSMENT AND MANAGEMENT PLAN PROPOSAL

Ms. Stark informed the Board that the public comment period for proposed changes to the Sawtooth National Forest Land and Resource Management Plan has been extended to August 31st. She stated that during a scoping meeting, she informed the SNRA that it has not addressed the MOU or coordinating with the State regarding licensure. The Board requested that Division staff draft a comment letter to the SNRA for the Board to review at its next meeting.

TEMPORARY RULE FOR DESIGNATIONS

The Board reviewed an amendment to temporary Rule 057 that addresses tag use history for hunts that have only one year of allocated tag use instead of two, allocated tag decreases, and tiebreakers.

Ms. Stark made a motion to approve the temporary rule regarding allocations and submit it to the Governor's Office. It was seconded by Mr. Weiseth. Motion carried.

ZERO-BASED REGULATION

The Board made the following changes:

Rule 002.10 – Hazardous Excursions:

The Board deleted the list of examples as inappropriate for rule.

Rule 034 – Guide License Application Requirements:

Ms. Lawler presented the suggested changes to the rule that resulted from collaboration with Mr. Weiseth. Specific activity qualifications were all relocated to this rule for ease of readability. The requirement for power boat operators on unclassified waters was changed from 10 hours to one complete commercial trip to be consistent with the requirement for float boat operators. A requirement was added that ATV/UTV/Snowmobiling guides must have at least 10 days of experience in the outfitter's operating area. Additional language was added to clarify what is required to be considered knowledgeable regarding potential avalanche conditions. Specific experience requirements were added for rock-climbing/mountaineering guide applicants to eliminate the requirement that these applicants appear before the Board. A subsection was added stating that a guide license is only valid while the guide is under the employment of an Idaho-licensed outfitter. A subsection was added that outlines requirements for equestrian activities.

Rule 002 – Definitions:

Based on feedback from BLM, the Board added downstream steerage back into the float boat definition and removed the horsepower requirement from the power boat and float boat definitions.

Rule 005 - License Production:

The Board increased the timeframe to provide proof of licensure from seven days to 14 days to allow for licensees who are out in the field for extended trips.

Rule 019.02 – Outfitter and Designated Agent License Renewal - Renewal:

Based on feedback from IOGA, the Board changed “about outfitting or guiding activities” to “other information as required by the board.”

Rule 044.02 – Boat Equipment Requirements - Clearwater:

The Board discussed possibly moving this to policy or striking it if Clearwater enforcement agencies are amenable. No changes were made.

Rule 048 – Snowmobiling:

The Board discussed the necessity of guide ratios for guided motorized activities. The Board decided to move the ratios to policy.

Rule 057.09.a – Undesignated Tag Pool:

The Board decided to change the September 10th date to an earlier date so that outfitters don't miss the opportunity to pull controlled hunt tags from the pool before the hunt is over. Legal counsel will draft language for the Board to review at a future meeting.

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

The Board continued its discussion on whether to leave the table in rule and make changes through the temporary rulemaking process or to move the table to policy to allow the Board discretion to change the limits as needed. Mr. Compton stated that there has not been adequate public involvement and fears that deleting the table from the rule will receive a negative reaction from the public and stakeholders. Mr. Weiseth voiced concern over the accuracy of the table and stated that it would serve the public better to have the table in guidance where the Board can change numbers when needed. Ms. Stark voiced her concern that moving the table to policy would overwhelm staff with new applications for water sections and that it might allow a vocal minority to reduce outfitting opportunities. Ms. Overacker supported moving the table to guidance because new applications would prompt the Board to look at

possible non-use, unutilized opportunities, and needed changes. The Board agreed to move the table to policy for the sake of public discussion during the rulemaking process.

ADJOURNMENT

Mr. Compton adjourned the meeting at 2:03 PM MT.