



State of Idaho

Division of Occupational and Professional Licenses Outfitters and Guides Licensing Board

BRAD LITTLE
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Board Meeting Minutes of 12/16/2022

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

Division Staff: Russell Barron, Division Administrator
Anne Lawler, Bureau Chief/Executive Officer
Nicholas Krema, General Counsel
Kent Absec, Licensing Program Manager
John Price, Investigative Unit Manager
Cesley Metcalfe, Board Support Manager
Christian Runnalls, Board Support Specialist
Zac Clifford, Designation Program Coordinator
Christopher Gilliam, HR Specialist, Sr.
Susan Knappek, Licensing Specialist

Others Present: Eric Nelson, Naylor and Hales

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

A motion was made and seconded to approve the second amended agenda. The motion carried unanimously.

Approval of Minutes

A motion was made and seconded to approve the 4/26/2022 and 8/17/2022 minutes, and the 6/7/2022 minutes as amended. The motion carried unanimously.

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: Ms. Overacker, aye; Mr. Skinner, aye; Ms. Stark, aye; Mr. Weiseth, 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.

Applications

A motion was made and seconded to approve the requested amendment for license 21238 to add two disjunct areas to an existing license pending receipt of a complete application. The motion carried unanimously.

A motion was made and seconded to approve the requested amendment for license 22599 to add technical mountain rock climbing. The motion carried unanimously.

A motion was made and seconded to table application 22190 pending receipt of additional information. The motion carried unanimously.

Discipline

A motion was made and seconded to rescind the emergency suspension in case number OGB-2022-08. The motion carried unanimously. Mr. Weiseth was recused.

A motion was made and seconded to authorize the Board prosecutor to negotiate a stipulation with the respondent in case number OGB-2022-08 and once agreed upon to allow the Board chair to sign on behalf of the Board. The motion carried unanimously. Mr. Weiseth was recused.

A motion was made and seconded to authorize the prosecutor to negotiate a stipulation with the respondent in case number I-OGB-2022-10 and once agreed upon 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 number I-OGB-2022-02 with an advisory letter. The motion carried unanimously.

A motion was made and seconded to close case number I-OGB-2023-03 with no action. The motion carried unanimously.

Public Comment:

Aaron Lieberman, Idaho Outfitters & Guides Association (IOGA), thanked the Board and Division staff for attending the IOGA annual meeting. He asked the Board to work with the Association to address any confusion outfitters may have once the Board rules pass the Legislature. He requested that a recording of Mr. Clifford's designation presentation be made available for educating outfitters. Mr. Lieberman also stated that some outfitters have had issues receiving emails from the Board and offered to include Board updates in the Association newsletter. He also requested that the Board clarify in statute that shuttle services are non-outfitted activities. Finally, he asked the Board to give its support to SB1412.

Tom Belknap introduced himself as a licensed fishing guide. He stated that currently only one permitted outfitter is allowed on Hayden Lake and requested that the Board authorize another permitted outfitter.

Jeff Bitton, IOGA, thanked the Board members and Division staff for attending the IOGA annual meeting. He also requested that the predator overlap policy be approved by the Board and stated the IOGA Board endorses Ms. Overacker's reappointment to the Board.

Respectful Workplace: Mr. Gilliam gave a respectful workplace presentation.

IDFG Update: Mr. Clifford presented an update regarding Idaho Fish and Game (IDFG) that included information on Chronic Waste Disease (CWD), the December 1st tag sale, that 2023 tag sales will begin April 20th, and that IDFG Director Schriever announced his retirement in November.

IOGA Conference Report: Board members and Division staff stated that the IOGA annual meeting was well attended and informative and provided opportunities to help educate outfitters and guides on the tag designation process. Everyone thanked Mr. Bitton and Mr. Lieberman for the opportunity to attend.

Tag Designation Update: Mr. Clifford stated that the tag designation process went very well. Many potential objections were addressed by Mr. Clifford and only one substantive objection required Board review.

Website Updates and Other Communication with Outfitters: Ms. Lawler presented updates to the OGLB website and Mr. Clifford stated that an informational letter will be sent to all outfitters explaining updates to the website. He also stated that he will be sending out a newsletter approximately once a month to licensees regarding important dates and information of interest.

Finalize Hardship Form and Process: The Board reviewed and provided feedback on a draft of the new hardship request form. Mr. Clifford stated that once approved, the form will be sent to all outfitters with information on how to use the form and relevant timelines for hardship requests.

A motion was made and seconded to approve the hardship request form as amended. The motion carried unanimously.

Tag Number report: Mr. Clifford provided a report on the 2022 tag transfers showing that 31 of the 38 transferred tags were used.

Unused Transferred Tags: Mr. Clifford asked the Board for guidance on how to credit unused transferred tags. The Board reviewed the current rule and the proposed rule.

A motion was made and seconded to apply any unused transferred tags as a credit to the outfitter who transferred the tags. Following discussion, the motion carried.

Proposed Schedule and Processes for 2023 Designation: Mr. Clifford presented his tentative 2023 schedule for tag designations.

Financial Update: Ms. Lawler gave the financial report, which indicated that the Board had a cash balance of \$580,227.38 as of October 19, 2022.

Zero-Based Regulation and Statute Update: Ms. Lawler stated that the addition of a jurisprudence exam for guides was removed as an Administrative Procedures Act (APA) violation. This requirement was added to the proposed rules before moving them to pending, but it was not considered a logical outgrowth of the negotiated rulemaking process.

EAL and Proposed Statute Draft: Ms. Lawler stated that executive agency legislation (EAL) was submitted to the Governor's Office regarding updates to the Board's statute. The Board reviewed a draft of the previously discussed changes.

Possible Exemptions to Licensure: Ms. Lawler explained that previously discussed exemptions to licensure were not included in the statute changes because language couldn't be crafted that would prevent illegal outfitting from being labeled as training.

River Sections Proposed Policy Discussion: Mr. Crema stated that amending the chart in Rule 059 falls under the Administrative Procedure Act and that making changes will require negotiated rulemaking. Following the discussion, the Board tabled this topic until a future meeting.

Implementation of Guide Licensure: Mr. Compton stated that guide licensure implementation may be pushed to 2024. The Board requested a draft guide licensure implementation plan for review at the next meeting.

MOU Update: Ms. Lawler stated that all MOUs are currently being reviewed by the Division Contracts Administrator in the legal department and clarified that the IDFG MOU is still in place.

Predator Overlap Policy: Ms. Lawler stated the Board has a predator overlap policy for Clearwater-Nez Perce National Forest and that she will work with the Forest Service to draft a predator overlap policy for the Salmon-Challis National Forest. Ms. Stark stated the Board's overlap policy should be broad enough to cover all outfitted forests in Idaho.

Consent Agenda

The Board reviewed the Consent Agenda. A motion was made and seconded to accept the Consent Agenda. The motion carried with one dissenting vote. Ms. Overacker was recused.

DOPL Performance Report: The Board reviewed the most recent performance report for the Division.

Set 2023 Meeting Dates: The Board scheduled its 2023 quarterly meeting dates for April 11th, July 6th, September 29th, and November 28th. An interim meeting was scheduled for February 16th. All meetings will begin at 9:00 AM.

Adjourn

There being no further business, the meeting was adjourned at 4:51 PM MT.

The next meeting is on 02/16/2023.