



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

BRAD LITTLE
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RUSSELL BARRON
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Board Meeting Minutes of 10/5/2023

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

Division Staff: Zac Clifford, OGLB Program Coordinator
Greg Loos, General Counsel
John Price, Investigative Unit Manager
Allegra Earl, Licensing Supervisor
Christian Runnalls, Board Support Specialist

Others Present: Eric Nelson, Board Prosecutor

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 7/6/2023 as amended and the 8/21/2023 minutes. The motion carried unanimously.

BOARD BUSINESS

Public Comment:

Adam Bass, Boise River Outdoor Opportunities, addressed the Board regarding a City of Boise violation on the Boise River. He stated that the city is diverting water to a single channel causing dewatering in the bypass and that the low water levels caused by this diversion are a risk to public health and safety. He said that this year has been especially difficult for his outfitting business due to the low water levels and the closures. Mr. Bass also stated that the city has put up signs warning about potential dangers ahead in the river, which can cause confusion and distrust among his clients as he safely navigates them on the river. He said that the actions by the city are in violation of State Law Codes §§ 36-2101 and 36-1601 because the City is harming the public's enjoyment of natural resources and that the State of Idaho, not the City of Boise, has jurisdiction over Idaho rivers. He also stated that this is a conflict of interest because the city promotes only one outfitter on the City's website.

John Heimer, retired Boise River outfitter, stated his support of Mr. Bass and said that the Boise River resource is being restricted by the City of Boise. He said that because Mr. Bass is licensed by the State to operate on the river, the city should not impede his business by closing river sections and putting misleading signs on the river.

Caden Hyde stated his support for Mr. Bass.

Ken Barrett thanked the Board for reviewing his application at this meeting.

Jeff Bitton, Idaho Outfitters and Guides Association (IOGA), informed the Board that the current link for a new guide license application on the website incorrectly displays an apprentice application.

Juliee Maguire, Carribou Creek Farms LLC, asked the Board why she must apply for a new license to outfit on more areas rather than amend her current license. Mr. Compton explained that she must apply for a new license to outfit in an area that is noncontiguous to her current licensed area. Mr. Compton further stated that the Board has passed a policy to allow for consolidated licenses for noncontiguous areas and that staff is working through due diligence to implement the new policy.

Justin Gardner, Brigham Young University -- Idaho (BYUI), requested a waiver of the licensing requirements for the University to operate in Idaho.

Seth Tonsmeire, Wilderness River Outfitters, stated that he submitted documents for non-use review on the Owyhee River. He also stated that he believes they should not be required to report 2020 use because they weren't allowed to operate due to a lack of water from limited runoff.

Aaron Lieberman, IOGA, stated that the proposed changes to the rules are better than what IOGA recommended. He thanked the Board for the newsletter updates. He stated that the Association is concerned about license expiration dates changing to birthdays, the lack of accountability of DOPL to the Board, and the industry confusion about the administrative rules. He also stated that IOGA is fully supportive of Mr. Bass's case against the City of Boise.

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.

Waiver Request

A motion was made and seconded to deny the BYUI waiver request based on Idaho Code § 67-5230(2). Following discussion, the motion carried unanimously.

Non-use

A motion was made and seconded to close case numbers N1024-7, N1024-8, N1024-11, and N1024-14. The motion carried unanimously. Mr. Weiseth was recused.

A motion was made and seconded to close case numbers N1024-6 and N1024-13 without action due to low water levels and COVID-19. The motion carried unanimously.

A motion was made and seconded to negotiate a stipulation in case numbers N1024-9, N1024-10, and N1024-15 and to allow the Board chair to sign on behalf of the Board. Following discussion, the motion carried. Mr. Weiseth was recused.

A motion was made and seconded to close case number N1024-5. The motion carried unanimously.

APPLICATIONS

A motion was made and seconded to approve application A1024-1 as amended to remove turkey, waterfowl, antelope, moose, and goat. The motion carried unanimously.

A motion was made and seconded to table application A1024-2 pending additional information from the applicant. The motion carried unanimously.

A motion was made and seconded to table application A1024-3 until an overlap agreement is received. The motion was amended to approve application A1024-3 upon receipt of the overlap agreement and allocated tag confirmation. The motion carried unanimously.

A motion was made and seconded to approve application A1024-4 as amended to be listed as incidental and remove waterfowl. The motion carried unanimously.

A motion was made and seconded to approve application A1024-5 upon confirmation that there is no overlap with the same species and the removal of turkey from the application. The motion carried unanimously.

A motion was made and seconded to approve application A1024-6. The motion failed with four dissenting votes.

A motion was made and seconded to deny application A1024-6. The motion carried with one dissenting vote.

BOARD BUSINESS

Quagga Mussels Update: Mr. Clifford informed the Board that quagga mussels have been detected in the Snake River by the Department of Agriculture and that all areas where the mussels have been detected are closed to the public to treat the invading species. Idaho Fish and Game (IDFG) stated that it anticipates the treatment will have a negative impact on native aquatic life, but the negative impact on the native Idaho ecosystem would be greater if the quagga mussel invasion is left untreated.

GIS Mapping Update: Mr. Clifford gave an update on the status of GIS mapping.

MOU Update: Mr. Clifford stated that IDFG is currently reviewing the draft MOU updated by the Board and will provide input before it expires in January. The Forest Service stated that it won't be able to review the Multiparty MOU until later in October and then it needs to go to the Bureau of Land Management for review. The Parks and Recreation MOU has expired and will be addressed when the Board has a new Executive Officer. He also informed the Board that the Idaho Department of Lands is interested in creating an MOU with the Board.

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 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.

Discipline:

A motion was made and seconded to close case numbers I-OGB-2023-22 and I-OGB-2024-1/2. The motion carried unanimously.

A motion was made and seconded to modify the terms of the Stipulation in case numbers OGB-2023-19/20 and to authorize 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-2024-3 with an advisory letter. The motion carried unanimously.

A motion was made and seconded to authorize the prosecuting attorney to negotiate a Stipulation in case number I-OGB-2024-4 and once obtained, to authorize the Board chair to sign on behalf of the Board. The motion carried unanimously.

Lapsed Licenses:

A motion was made and seconded to authorize Division staff to send certified mail letters to lapsed license holders providing notification of 21 days to renew the licenses before they are revoked. The motion carried unanimously.

Status of 2024 Limited Tag Designation:

A motion was made and seconded to approve the Regular Deer unit 19 tag calculations for designation. The motion carried unanimously.

A motion was made and seconded to deny a request for reconsideration due to undisputed 2022 tag use. The motion carried unanimously.

New Opportunity – BO2:

A motion was made and seconded to approve applicant Adam Bass for licensure on the BO2. The motion carried unanimously.

A motion was made and seconded to approve applicant Chad Allen for the BO2 with the stipulation that the application be amended to remove fishing and list only float boat operation. The motion carried unanimously.

Rule Changes for 2024 Session: Mr. Clifford reviewed the following comments received for the proposed rules: IOGA is in support of the tag designation changes; IDFG and Chad Landrum commented they would like to see a limit of one boat per license during the fishing season up until Memorial Day on the proposed changes to the CF2; Chad Landrum commented that there should be a limit of two boats outside of the season on the CF2; Bob Wiley commented that he did not agree with adding the CF2 to rule and would rather see the number of licenses reduced from four to two with an unlimited number of boats year-round; Ken Barrett commented that the PR1 can handle another outfitter; Joe Roe commented that he is against the PR1 decrease and the proposed change for Hayden Lake; the Selkirk Conference Conservation Alliance, Mr. Hurst, and Mr. Jones stated their support of the PR1 reduction.

Rule 259.01 – Licensable Waters – River Sections (BL1) Blackfoot River through (PR1) Priest River – Table: The Board added an IDFG approved description of the river boundaries, a limit of a maximum of two boats at any one time per outfitter prior to the Friday preceding Memorial Day of each year with no limit thereafter, and struck language establishing a closing date on the Clark Fork River One (CF1).

The Board changed the limited boating timeline to start on the Friday preceding Memorial Day and to end on December 31st on the Clark Fork River Two (CF2).

A motion was made and seconded to move the proposed rules to pending, adopting the changes to the Clark Fork River One and Clark Fork River Two as discussed by the board. The motion carried unanimously.

Licensing Report: Ms. Earl presented the licensing report to the Board.

DOPL Updates: Mr. Clifford stated that the Occupational Licenses Bureau Chief position has been posted. Mr. Loos stated that a new lead general counsel was recently hired.

Guide Licensure Implementation: Mr. Clifford provided a status update on the development of the Division's new licensing system and stated that it is not far enough along in the process to provide information specific to guide license implementation. The estimated release of the new licensing system with the new guide licensure application process is July 2024 and plenty of testing will be completed prior to roll-out.

Adjourn

There being no further business, the meeting was adjourned at 4:44 PM.

The next meeting is on 11/28/2023.