

MINUTES
HOUSE RESOURCES & CONSERVATION COMMITTEE

DATE: Wednesday, February 15, 2023

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Mendive, Vice Chairman Shepherd, Representatives Boyle, Vander Woude, Manwaring, Raybould, Durrant, Hill, Mickelsen, Nelsen, Pickett, Raymond, Tanner, Burns, Necochea, Galaviz

**ABSENT/
EXCUSED:** Representatives Blanksma, Yamamoto

GUESTS: The sign-in sheet will be retained in the committee secretary's office; following the end of session the sign-in sheet will be filed with the minutes in the Legislative Library.

Chairman Mendive called the meeting to order at 1:31 P.M.

MOTION: **Rep. Durrant** made a motion to approve the minutes of February 9 and 13, 2023. **Motion carried by voice vote.**

**DOCKET NO.
24-3501-2201:** **Tim Frost**, Division Deputy Administrator at the Division of Occupational and Professional Licensing (DOPL), presented the rule chapter. He noted that the chapter has been updated for the first time in several years.

In response to a question from the committee, **Mr. Frost** confirmed nothing being removed from the rule chapter will be made into an enforceable rule.

Mr. Frost walked through the rule changes step by step, explaining where definitions have been removed for redundancy reasons, and rules have been combined for clarity. He noted a change whereby guides would not be contractually limited to a single outfitter. He elaborated on several changes in standards that DOPL made for outfitters and guides to match the criteria used by Idaho Fish and Game. He also explained other rules in the packet that added new outfitter permits, and said that in total the rule chapter had been reduced by ten pages.

In response to questions from the committee, **Mr. Frost** introduced **Brad Compton**, chairman of the Outfitters and Guides Licensing Board, who described several circumstances that would require operators to change their operating area, and the changes in procedure that the rules would make to affect that process.

In response to a specific question about a 500-mile training requirement for float boating, **Mr. Frost** gave a broad overview of Idaho's guide licensing process, which is among the more restrictive in the country. He explained how the process has been simplified, but that the outfitter and guide community was not interested in removing licensing requirements entirely. He noted that there are no new restrictions to any of the five categories of guide licenses.

In response to a question from the committee, **Mr. Frost** described the procedure that DOPL uses to bring outfitters and guides together for feedback from stakeholders in different parts of the industry, and the appeals process the outfitters could use to challenge a decision. **Chairman Mendive** invited **Aaron Lieberman**, Executive Director of the Idaho Outfitters and Guides Association (IOGA), to the podium, who added in places like the Sawtooth National Recreation Area, the concerning trend of federal land managers reducing opportunity for outfitters, a small minority of total public use, does not address possible overuse challenges.

Mr. Lieberman also addressed the earlier question about the float boating requirements. He described how IOGA had lobbied to reduce some of the more onerous restrictions on river guides, which DOPL had been amenable to. He also clarified that the 500-mile rule is an equivalency rule for guides transferring in from other states with lighter regulatory regimes and less stringent training requirements.

In response to a question from the committee, **Mr. Frost** addressed the process for petitioning for a rule change. **Mr. Lieberman** noted his concern with that process, and expressed his desire to see that process become less restrictive.

In response to a question from the committee about striking out a restriction on fishing, **Mr. Frost** explained that the regulation of fishing is governed by the Department of Fish and Game, not the Outfitters and Guides Licensing Board. **Mr. Compton** added that the language in question was grossly outdated and does not reflect the modern regulatory regime that governs the river.

In response to a question from the committee, **Mr. Compton** noted that while the state controls the water and the wildlife, a federal land manager such as the US Forest Service can control access to it.

In response to a question from the committee, **Mr. Frost** explained a rule that prevents boatmen from transporting big-game hunters to hunting areas if they are not also a licensed outfitter for big game in the drop off area.

In response to further questions from **Rep. Tanner** about the 500-mile guide requirement, **Mr. Frost** offered that the department would address that particular concern in an upcoming negotiated rulemaking procedure.

MOTION: **Rep. Mickelsen** made a motion to approve **Docket No. 24-3501-2201** with the understanding that the Department would address **Rep. Tanner's** concerns. **Motion carried by voice vote.**

Chairman Mendive turned the gavel over to **Vice Chairman Shepherd** for the consideration of the next rule.

DOCKET NO. 26-0130-2201: **Seth Hobbs**, Program Manager for the Department of Parks and Recreation, described the docket, which repeals a rule that was made redundant by 2022 legislation.

MOTION: **Rep. Mickelsen** made a motion to approve **Docket No. 26-0130-2201**. **Motion carried by voice vote.**

Vice Chairman Mendive gave the gavel back to **Chairman Mendive**.

Chairman Mendive recognized committee page **Nelson Baines**, who was in his final day with the committee. Mr. Baines expressed his gratitude for his time with the committee.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:38 P.M.

Representative Mendive
Chair

Cameron Douglas
Secretary