



4  
2/20/13  
511

FS Agreement No. 10-MU-11020000-015  
Cooperator Agreement No. 2010-1

**MEMORANDUM OF UNDERSTANDING**  
**Between The**  
**WYOMING STATE BOARD OF OUTFITTERS AND PROFESSIONAL GUIDES**  
**AND**  
**BUREAU OF LAND MANAGEMENT**  
**WYOMING STATE OFFICE**  
**AND**  
**WYOMING OFFICE OF STATE LANDS & INVESTMENTS**  
**AND**  
**WYOMING GAME AND FISH COMMISSION**  
**AND**  
**U.S. FISH AND WILDLIFE SERVICE**  
**AND**  
**NATIONAL PARK SERVICE**  
**GRAND TETON NATIONAL PARK**  
**And The**  
**U.S. FOREST SERVICE**  
**ROCKY MOUNTAIN REGION**  
**AND**  
**INTERMOUNTAIN REGION**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Wyoming State Board of Outfitters and Professional Guides, hereinafter referred to as the Board, and the U.S. Forest Service, Rocky Mountain Region and Intermountain Region, hereinafter referred to as the U.S. Forest Service. And the U.S. Department of Interior, Bureau of Land Management, hereinafter referred to as BLM; the Wyoming Office of State Lands & Investments, hereinafter referred to as OSLI, the Wyoming Game & Fish Commission, hereinafter referred to as Commission; the U.S. Fish and Wildlife Service, hereinafter referred to as USFWS; and the U.S. Department of the Interior, National Park Service, Grand Teton National Park, hereinafter referred to as NPS.

Title: Quality Outfitter Guide Service in the State of Wyoming

- I. **PURPOSE:** The purpose of this MOU is to document the cooperation between the parties to maintain and enhance the quality of service provided by the outfitter industry in the State of Wyoming through the coordinated application of State and Federal laws and regulations governing the operation of outfitting and guiding services in accordance with the following provisions.
  
- II. **STATEMENT OF MUTUAL BENEFIT AND INTERESTS:**



It is the mutual desire of all parties to this MOU to cooperate in maintaining and enhancing the quality of service provided by the outfitter industry in the State of Wyoming through the coordinated application of State and Federal laws and regulations governing the operation of outfitting and guiding services.

### III. AUTHORITIES

- A. The BLM is authorized under 43 CFR, Part 2930, Subpart 2932, "Special Recreation Permits for Commercial Use, Competitive Events, Organized Groups, and Recreation Use in Special Areas" to administer permits for outfitting and guiding on BLM public lands. The BLM is authorized to enter into Memorandum of Understandings on the public lands by the Federal Land Policy and Management Act of 1976, PL 94-579.
- B. The Forest Service is authorized under the Federal Lands Recreation Enhancement Act (16 U.S.C. 6802 (h)). The principal regulations of the Forest Service special use authorizations are in Title 36, Code of Federal Regulations, Part 251 (36 CFR 251).
- C. The OSLI is authorized by W.S. 36-3-101 through 36-3-111 to enter into this MOU for the purpose of coordinating the issuance of State temporary use permits in reference to outfitting/guiding activities.
- D. The Commission directs the Wyoming Game & Fish Department and is authorized by W.S. 23-1-302(a)(xi) to enter into this MOU for the purposes of sharing information and enforcing Wyoming Statutes found in Article 4, Guides and Outfitters, in Title 23, and Rules & Regulations promulgated by the Wyoming State Board of Outfitters and Professional Guides.
- E. The Board may issue a Wyoming license to a qualified applicant whose services are marketed and available to members of the public when the applicant meets all the prerequisite qualifications of training, experience, knowledge and criteria as set forth in Wyoming W.S. 23-2-406 through 23-2-418.
- F. The USFWS Division of Law Enforcement is authorized to enter this Memorandum of Understanding (MOU) under the authority of the Fish and Wildlife Improvement Act of 1978 (16 USC 7421(b)) and the Fish and Wildlife Coordination Act (16 USC 661). The Congress of the United States and the Department of Interior have found that the protection and conservation of fish, wildlife, and other natural resources is in the best interest of the public and have enacted various laws to provide for the protection and conservation of wildlife and native plants to prevent, detect, and reduce violation of conservation laws and to apprehend violators of such law. Enforcement of these laws has been delegated to the USFWS.



- G. The NPS is authorized by law to enter into agreements with other agencies, organizations, and individuals. These agreements establish formal relationships that allow NPS to more efficiently and economically accomplish its mission. The Organic Act, 16 USC 1 through 4 authorizes the NPS to enter into agreements. 16 USC 20 authorizes NPS to regulate and provide public accommodations and services.

In consideration of the above premises, the parties agree as follows:

**IV. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT THEY SHALL:**

- A. Maintain close cooperation through conference calls as needed to exchange information in matters of mutual interest including issuance of special orders, enforcement of laws, reporting complaints, violations and unsatisfactory performance and to mutually advise of any convictions of outfitters and guides for violations of laws, regulations or Board actions.
- B. Coordinate the permitting, review, and licensing of hunting activities for outfitting and guiding purposes. See attached Exhibits S2 through S2-7 for specific operating guidelines for the Forest Service, Exhibits BLM-1 through BLM-7 for the BLM, and Exhibits OSLI-1 and OSLI-2 for the Wyoming Office of State Lands & Investments.
- C. Jointly share information and investigations relating to lawful and unlawful outfitting and guiding activities within the State of Wyoming as appropriate and as authorized by statutory legislation. The Forest Service will copy to the Board any correspondence such as a notice of non-compliance.
- D. Provide the Board updated lists of agency administrators related to outfitter management by Forest and Ranger District Offices, BLM Field Office, NPS and FWS offices by July 1 of each year.
- E. In the event of a proposed change of ownership of an outfitting business affecting NPS, BLM or Forest Service lands neither the Board nor the NPS/Forest Service/BLM will reissue a license or permit to the new owner without prior contact with the other affected party (parties). See Exhibits S2, S2-2 and S2-7 for specific Forest Service guidelines and Exhibits BLM-1 through BLM-7 for specific BLM operating guidelines, all of which are attached to this MOU and incorporated herein by this reference.
- F. When a new outfitter business becomes available on Forest Service or BLM public lands, or an individual proposing an outfitter business initiates a license application and/or special use application, the parties to this Memorandum of Understanding (MOU) will coordinate their actions. See Exhibit S2, S2-3, S2-4 and S2-6 for



specific Forest Service guidelines, Exhibits BLM-1 through BLM-7 for specific BLM guidelines, and Exhibit OSLI-1 for specific OSLI rules & regulations, all of which are attached to this MOU and incorporated herein by this reference.

- G. When an individual contacts the Wyoming Office of State Lands & Investments or the Commission regarding an outfitting/guiding permit, the respective parties will contact the Board to ensure the applicant is licensed or has applied for licensure and has passed the outfitter examination.
- H. The OSLI also agrees to provide copies of outfitting/guiding permits to the Board and will notify the Board of any permit terminations.
- I. To the extent possible, there will be mutual agreement on amendments to current licenses that affect the Board, Forest Service, BLM, NPS or OSLI.
- J. In cases of routine renewal where no change is involved and no compliance problems exist, the license and/or permit may be processed without prior consultation.
- K. Hold joint meetings annually between the Board, Forest Service, BLM, OSLI, USFWS, NPS and Commission to discuss MOU changes and other policy matters. The Board will initiate all the meetings to coincide with regular Board meetings.
- L. Each party will designate their representative(s) as its official contact in regard to this MOU by a letter with copies to all parties upon signing this MOU and each year thereafter until the MOU terminates. The representative (or their designee) will be responsible for coordinating their respective agency's responsibilities during the administration of this MOU in a timely and efficient manner. If they cannot resolve a coordination problem, they shall immediately communicate the problem to the next higher level of authority within the respective Forest Service, BLM, OSLI, Commission, USFWS, NPS, or Board for resolution.
- M. To participate in the development of performance review standards for Forest Service Special-Use Permits and/or associated Operating Plans. Forest Service Exhibit S1 and BLM Exhibits BLM-1 through BLM-7, display the initial performance review standards under this MOU.
- N. The USFWS agrees to jointly share information, within the constraints of USFWS Policy and Federal Law, regarding the illegal taking of wildlife in violation of Federal law and unlawful outfitting and guiding activities.
- O. All news releases related to joint investigations involving the USFWS will be coordinated with appropriate State/Federal attorney's offices and the appropriate level(s) of supervision. There will be no release of case information without concurrence of all the above listed parties.



P. Valid Commercial Use Authorization to be issued by the NPS are required for any outfitting activities inside Grand Teton National Park. In addition, the Board and Commission mutually agree as follows:

- a. Whenever appropriate pursuant to W.S. § 23-2-410(c)(v), the Commission shall provide information relating to any recommendations for the designation of areas made by them for game management purposes in which a licensee may conduct outfitting or professional guiding under the license.

Q. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this instrument.

**Principal Cooperator Contacts:**

Board Program Contact	Board Administrative Contact
Name:	Name: Jane Flagg
Address:	Address: Wyoming State Board of
City, State, Zip:	Outfitters
Telephone:	1950 Bluegrass Circle, #280
FAX:	City, State, Zip: Cheyenne, WY 82002
Email:	Telephone: 1-800-264-0981; 307-635-1589
	FAX: 307-777-6715
	Email: jflagg@state.wy.us

NPS Program Contact	NPS Administrative Contact
Name: Mallory Smith, Business Resources	Name: Mary Gibson Scott, Superintendent
Address: Grand Teton National Park	Address: Grand Teton National Park and
P.O. Box 170	John D. Rockefeller Jr. Memorial Pkwy
City, State, Zip: Moose, WY 83012	P.O. Drawer 170
Telephone: 307-739-3434	City, State, Zip: Moose, WY 83012
FAX: 307-739-3419	Telephone: 307-739-3410
Email: Mallory_smith@nps.gov	FAX: 307-739-3438
	Email: grte_superintendent@nps.gov

BLM Program Contact	BLM Administrative Contact
Name: Lesly E. Smith, State Recreation Lead	Name: Donald A. Simpson, State Director
Address: 5353 Yellowstone Road	Address: 5353 Yellowstone Road
City, State, Zip: Cheyenne, WY 82009	City, State, Zip: Cheyenne, WY 82009
Telephone: 307-775-6031	Telephone: 307-775-6001
FAX: 307-775-6042	FAX: 307-775-6003
Email: Lesly_Smith@blm.gov	Email: Jessica_camargo@blm.gov



WY Game & Fish Program Contact	WY Game & Fish Administrative Contact
Name:	Name: Scott Edberg, Regional Wildlife Supervisor
Address:	Address: 3030 Energy Lane
City, State, Zip:	City, State, Zip: Casper, WY 82601
Telephone:	Telephone: 307-473-3423
FAX:	FAX:
Email:	Email: scott.edberg@wgf.state.wy.us

USFWS Program Contact	USFWS Administrative Contact
Name: Tim Eicher, Special Agent	Name:
Address: Office of Law Enforcement	Address:
P.O. Box 516	City, State, Zip:
City, State, Zip: Cody, WY 82414	Telephone:
Telephone: 307-527-7604	FAX:
FAX: 307-527-6624	Email:
Email: tim_eicher@fws.gov	

OSLI Program Contact	OSLI Administrative Contact
Name: Charles Roll, Principal Appraiser	Name: Lynne Boomgaarden, Director
Address: Herschler Bldg, 3 West	Address: Herschler Bldg, 3 West
City, State, Zip: Cheyenne, WY 82002	City, State, Zip: Cheyenne, WY 82002
Telephone: 307-777-6527	Telephone: 307-777-7331
FAX: 307-777-6526	FAX: 307-777-5400
Email: croll@state.wy.us	Email: sifmail@state.wy.us

**Principal U.S. Forest Service Contacts:**

U.S. Forest Service Program Contact	U.S. Forest Service Administrative Contact
Name: Cheryl Chatman Capitol City Coordinator Address: 122 West 25 <sup>th</sup> St. Herschler Building, 1 <sup>st</sup> Floor West, Room 1605 City, State, Zip: Cheyenne, WY 82002 Telephone: 307-777-6087 FAX: 307-777-3524 Email: cchatham@fs.fed.us	Name: Address: City, State, Zip: Telephone: FAX: Email:

R. **NON-LIABILITY**. The U.S. Forest Service does not assume liability for any third party claims for damages arising out of this MOU.



- S. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or the Cooperator is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To Cooperator, at the Cooperator's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

- T. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or the Cooperator(s) from participating in similar activities with other public or private agencies, organizations, and individuals.
- U. ENDORSEMENT. Any Cooperator contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of the Cooperator's products or activities.
- V. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purposes(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer funds. Specific projects or activities that involve the transfer of funds, services, or property among the parties require execution of separate agreements and are contingent upon the availability of appropriated funds. These activities must be independently authorized by statute. This MOU does not provide that authority. Negotiation, execution, and administration of these agreements must comply with all applicable law. Each party operates under its own laws, regulations, and policies, subject to the availability of appropriated funds. Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.
- W. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no United States member of, or United States delegate to, Congress shall be admitted to any share or part of this MOU, or benefits that may arise therefrom, either directly or indirectly.
- X. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).



- Y. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
- Z. DEBARMENT AND SUSPENSION. The Cooperator shall immediately inform the U.S. Forest Service if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should the Cooperator or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
- AA. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
- BB. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through March 31, 2015 at which time it will expire, unless extended by an executed modification, signed and dated by all properly authorized, signatory officials.
- CC. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU. In witness whereof, the parties hereto have executed this MOU as of the last date written below.
- DD. SOVEREIGN IMMUNITY. The State of Wyoming and its agencies do not waive sovereign immunity by entering into this MOU and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyoming Statute 1-39-104(a) and all other State law.



COLE BENTON, Chairman of the Board WY State Board of Outfitters and Professional Guides <i>Cole D. Benton</i>	Date 3-1-10
DONALD A. SIMPSON, State Director Bureau of Land Management, Wyoming State Office <i>Donald A. Simpson</i>	Date 3/10/10
LYNNE BOOMGAARDEN, Director Wyoming Office of State Lands and Investments <i>Lynne Boomgaarden, Deputy</i>	Date 3/12/10
<i>for</i> STEVE FERRELL, Director Wyoming Game and Fish Department <i>Steve Ferrell</i>	Date 3-18-10
TIM EICHER, Special Agent U.S. Fish and Wildlife Service <i>Tim Eicher</i>	Date 3-25-10
MARY GIBSON SCOTT, Superintendent National Park Service, Grand Teton National Park and John D. Rockefeller, Jr. Memorial Parkway <i>Mary Gibson Scott acting Superintendent</i>	Date 3-30-10
ROBERT L. LANTER, Sr. Asst Attorney General Wyoming Attorney General's Office <i>Robert L. Lanter</i>	Date #56896 2-24-10



HARV FORSGREN, Regional Forester U.S. Forest Service, Intermountain Region <i>Harv Forsgren</i>	Date <i>31 March 2010</i>
RICK D. CABLES, Regional Forester U.S. Forest Service, Rocky Mountain Region <i>Rick D. Cables</i>	Date <i>4-5-10</i>

The authority and format of this instrument have been reviewed and approved for signature.

*Luan Waida* *4/2/10*  
 \_\_\_\_\_  
 LUANN WAIDA Date  
 U.S. Forest Service Grants & Agreements Specialist

The authority and format of this instrument have been reviewed and approved for signature.

*Doris Mackey* *3/31/2010*  
 \_\_\_\_\_  
 DORIS MACKEY Date  
 U.S. Forest Service Grants & Agreements Specialist

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



Exhibit S1

REPLACE OR MODIFY TO A LIST OF FACTORS TO BE CONSIDERED IN PERFORMANCE EVALUATION - TYING EVERY DISTRICT TO THE SAME FORM DOESN'T SEEM TO BE WORKING.

OUTFITTER-GUIDE PERFORMANCE RATING

Permittee \_\_\_\_\_  
Type of Operation \_\_\_\_\_  
Location \_\_\_\_\_  
Period \_\_\_\_\_ to \_\_\_\_\_

Rating Category (See Rating Guide)	Rating
1. Service to Public	_____
2. Compliance With Permit Conditions	_____
3. Compliance With Operating Plan	_____
4. Equipment	_____
5. Safety	_____
6. Resource Protection	_____

SUMMARY RATING \_\_\_\_\_  
Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Efforts made by the permittee to correct deficiencies noted on their last Performance evaluation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Recommended Corrective Actions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Commendable Performance: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Wyoming Board Contacted \_\_\_\_\_ (Date)

Comments attached for probationary or unacceptable ratings \_\_\_\_\_ (Check)

Forest Officer \_\_\_\_\_ Date \_\_\_\_\_



Exhibit S1

Outfitter's Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Outfitter\* \_\_\_\_\_ Date \_\_\_\_\_

Rating:    S - Superior                    U - Unacceptable  
          A - Acceptable                NA - Does not apply  
          P - Probationary              See rating guide for definition)

Note: Use additional sheets as necessary for comments, description of major incidents, recommended corrective actions, corrective efforts and commendable performance. (Rating subject to appeal; see Page 3 of Rating Guidelines.)

\*The outfitter will be afforded the opportunity to sign whenever a rating of probationary or unacceptable is proposed. The outfitter's signature acknowledges receipt and review of the rating, not necessarily agreement.

Exhibit S2**INTRODUCTION**

The purpose of these guidelines is to provide a framework for coordinating the respective responsibilities of the Board and the Forest Service to license and permit outfitting and guide activities. Ongoing and open communication between agencies is the key to smooth operating procedures which best serve the public need.

**AUTHORIZED FOREST OFFICER**

On matters relating to Forest Service permits, the authorized officer (in most cases the District Ranger), their acting, or their designated representative, will be the person dealing directly with the Board, and the Board will recognize only that person in matters relating to the permit.

**OFFICIAL CORRESPONDENCE**

All documents relating to permits, and all correspondence relating to permit matters will be on official FS forms or letterhead and under the signature of the authorized officer (District Ranger/Acting); or the documents will not be recognized as official documents or correspondence.

**COORDINATION GUIDELINES**

It is the intent of the Board and Forest Service as desirable and necessary under the following circumstances, and as dictated by the need, to implement the coordination guidelines for issuing permits, licenses, and hunt area authorizations developed under the umbrella of the MOU.

**SITUATION 1:** When a sale of the business assets of an existing priority use permittee "in good standing" is anticipated, and the prospective buyer makes application for re-issuance of the authorizations based on preference relative to the business they have purchased. (See Exhibit S2-2)

**SITUATION 2:** When an application for a "temporary spike camp permit" and/or supplemental area authorization to hunt sheep, moose, goat, lion, or spring bear is received by the Forest Service. (See Exhibit S2-3)

**SITUATION 3:** When an existing priority use outfitter requests supplemental hunt area authorization in conjunction with their priority use permit (primarily elk and deer); or the Board requests recommendations for hunt area authorizations as a result of mandated review. (See Exhibit S2-5)

**SITUATION 4:** When a new commercial opportunity is identified, and a commercial allocation decision for additional permits/use is being seriously considered as a result of Forest planning efforts or as a result of an existing permit/license being terminated, revoked, or abandoned. (See Exhibit S2-4)

Exhibit S2-2COORDINATION GUIDELINES FOR "RE-ISSUANCE" OF A PERMIT/LICENSE  
BASED UPON THE SALE OF AN OUTFITTING BUSINESS

**STEP 1:** The existing outfitter, accompanied by the prospective buyer (applicant), contacts the local District Ranger for a pre-issuance meeting. This meeting is primarily informative to clarify conditions of the permit, processes relating to the application process, and to obtain necessary applications.

The prospective buyer (applicant) then immediately contacts the Board and requests a review of their qualifications to obtain a State license, schedules a date to take the required test, and also schedules a date to appear before the Board.

**THE FOREST SERVICE RESERVES THE RIGHT ON MAKING THE DECISION TO RE-ISSUE THE PERMIT TO A NEW PERMITTEE BASED ON FINDINGS DURING THE NEPA REVIEW ON THE PROPOSAL.**

**STEP 2:** The District Ranger will notify the Board of the proposed sale and inform them of any permit changes recommended by the Forest Service and ask the Board for any recommendations for changes from the existing permit. In addition, the Forest Officer will recommend any changes in State license and/or hunt area authorizations. (See Exhibit S2-7)

In addition, the Forest Service will contact local Wyoming Game & Fish personnel, local outfitter organizations, and other groups as appropriate to ask for comments and concerns.

**STEP 3:** Applicant submits to the Forest Service all required documents to determine qualifications (financial report, business experience, cash flow projections, marketing plan, list of assets being purchased, and draft bill of sale, draft contracts, etc.)

Seller submits to both the Forest Service and the Board a letter of intent to relinquish their State License and area authorizations relative to the business being sold.

**STEP 4:** Forest Service to review documents showing conveyance of a substantial portion of the business to determine validity of the sale; and completes the necessary review for determining applicant's qualifications for holding a special use permit.

The Board will, during the same period, make a determination of the applicant's qualifications to hold a State license and their ability to provide the required services.

**STEP 5:** Forest Service will then notify the Board of the determination of the applicant's qualifications, and of the decision whether or not they will re-issue the permit; and the Board will in turn notify the Forest Service of the determination of the applicant's qualifications to hold a State license, and of the decision whether they will issue a license and area authorizations.

Exhibit S2-2

**STEP 6:** If the applicant meets all qualifications for both the Board and the Forest Service, and the Forest Service and the Board are in agreement on re-issuance of both, the Forest Service will complete the required NEPA documentation (generally a Decision Memo) and publish a Notice of Decision.

**STEP 7:** The Forest Service will issue a new permit to the applicant via a transfer meeting, during which time the waiver/application will be signed, proof of insurance will be provided, letter to relinquish State license/authorizations will be provided, itemized bill of sale and related contracts/deeds will be provided, copies of partnership or incorporation agreements will be provided, and a review/signature of the permit and operating plan will be completed.

The Board will issue a new license and proper area authorizations (3 year) to the applicant and terminate the sellers license/area authorizations as appropriate.

Exhibit S2-3THINGS TO CONSIDER WHEN EVALUATING AN  
APPLICATION FOR OUTFITTER-GUIDE PERMITS

Authorized line officers (District Rangers) have authority to say yes or no to any applicant, depending on their analysis of conditions and problems that might be caused. The following list of things to consider was developed in response to the spike camp issue, but it applies as well to other proposed uses. The list includes applicable direction from the Forest Service Manual, the greater Yellowstone Area Outfitter Policy, and covers the concerns raised when the spike camp issue first came up.

Does the proposed use conform to the approved Forest Plan direction?

Have we determined that the proposed commercial use must take place on the National Forest (no non-National Forest land is reasonably available)?

Does the applicant show ability to provide quality service and meet the terms of the permit?

Are the financial resources of the applicant adequate for the use being applied for?

Does the applicant have appropriate business experience and qualifications in relation to the proposed use?

Has "the highest" use of the land, based on the objective of serving the public over the long run under multiple use management, been determined before approving the special-use authorization?

Is the applicant licensed and in good standing, or has the State Board of Outfitters and Professional Guides given word that a new license will be issued pending FS issuance of a permit?

Consider the economic viability of existing outfitters and demonstrated public need for the additional service.

Will adding the proposed use undermine our goal of reducing serious problems with heavy use and conflicts between commercial and non-guided hunting parties?

Will adding the proposed use contribute to an existing inability to administer permits adequately?

Have we determined through a "use limits" analysis that there is capability of the land and the social setting to absorb the additional proposed use without damage or conflict?

Have we considered current (and projected, for longer term permits) use by the non-guided public, and determined that the proposed commercial use will not conflict with public use of an area?

Exhibit S2-3

Are any current or projected recreation facilities affected by the proposed use? Facilities, such as trails, trail heads, and established camps should be considered. If a permit is issued for an operation that requires use of public facilities, clauses will be included which address the appropriate use of those facilities to minimize conflict with the non-guided user.

Is there any effect on public access as a result of the proposed use?

Is the proposed use controversial or of concern to the public?

If the applicant is an existing permittee, is he or she in good standing?

Is there a need for coordination with other affected agencies?

In addition to those listed above, there may be more specific criteria that will vary by district. For instance, familiarity with grizzly bear conservation regulations, wilderness regulations and low-impact camping.

Exhibit S2-4

COORDINATION GUIDELINES FOR ISSUING  
NEW (ADDITIONAL) OUTFITTER/GUIDE "HUNTING USE" PERMITS,  
NEW STATE LICENSE, AND THE ASSOCIATED AREA AUTHORIZATIONS

**STEP 1:** When the Forest Service initiates a proposal to issue additional permits (or additional use(s)) via the Forest planning process (as a result of an application, revocation, abandonment, etc.), and all conditions necessary for issuance of new authorizations have been met (public need, carrying capacity, highest use of the land, etc.), the Forest Service shall notify the Board of their intentions and seek consultation.

When a proposal or inquiry is received by the Board, and the Board deems the proposal as having merit, they will notify the Forest Service for consultation.

**STEP 2:** The Forest Service will notify the Board of any pending environmental analysis (in conformance with the National Environmental Policy Act - NEPA) relative to potential issuance of additional outfitter/guide permits and solicit the Board's input. If the Board is in agreement, they will be notified of the "decision" to issue a new permit.

**STEP 3:** The Board will assist the Forest Service in establishing selection criteria, investigating and screening proposed permit/license applicants to help the Forest Service select the best qualified applicant, if there is more than one applicant for the permit (use).

**STEP 4:** The Forest Service selects the preferred applicant and forwards the name to the Board, along with Forest Service recommendations for hunt area authorizations compatible with the permit. If mutually agreeable, the Board issues a license and hunt area authorizations; and the Forest Service issues a special use permit.

**Note:** The Forest Service will review and process all permit applications in accordance with National policy and all applicable regulations. The coordination process will be initiated only when the Forest Service initiates the proposal to issue. No coordination will be initiated when the application response is denial. The total processing time for issuing a new Forest Service permit and Board license shall not generally exceed 90 days following completion of Step 2. The Forest Officer issuing the permit will deal directly with the Board.

Exhibit S2-5

COORDINATION GUIDELINES FOR ISSUING  
SUPPLEMENTAL AREA AUTHORIZATIONS FOR ELK/DEER/BEAR ON NATIONAL  
FOREST LANDS OR RESCINDING EXISTING AREA AUTHORIZATIONS TO EXISTING  
PRIORITY USE OUTFITTERS

ISSUANCE OF ADDITIONAL AUTHORIZATIONS INITIATED BY PERMITTEE

**STEP 1:** The permittee contacts the Forest Service Officer administering their permit to determine if the existing permit authorization for National Forest lands includes the area in which the applicant wants to apply for.

**STEP 2:** If the existing permit does not allow occupancy of the area being requested, the Forest Service will notify the permittee and the Board that the Forest Service recommendation to the Board for supplemental area authorization is denial.

**STEP 3:** If the existing permit does allow occupancy of the area being requested, the permittee will be advised to proceed, in which case the permittee will submit an application for Supplemental Area Authorization to the Board (with proper Forest Officer signatures and documentation).

ISSUANCE/RESCINDING OF AUTHORIZATIONS AS A RESULT OF FOREST SERVICE  
RECOMMENDATION AT THE END OF THE 3 YEAR PERIOD

**STEP 1:** At the end of the 3 year "grandfather" period of authorizations (1992 being the third year), and each year thereafter when appropriate, the Board will solicit from the Forest Service recommendations for area authorizations on National Forest lands for each permittee.

**STEP 2:** The Forest Service will make recommendations to the Board based upon the "permitted area" allowed via the permit (e.g. if the permit does not allow the permittee in an area, the recommendation will be to not reissue an area authorization -- however, if the permit allows use of the area and permittee desires the area authorization, the Forest Service recommendation will be to issue). The Forest Service recommendation will not use the "use it or lose it" concept as a factor in this recommendation -- that is a Board restriction.

**STEP 3:** The Board will issue/rescind future area authorizations if they are in agreement with the recommendation. If there is disagreement between the Forest Service and the Board, consultation will occur. The Board will have final authority on issuance/rescinding of hunt area authorizations.



Exhibit S2-6

MOST FORESTS EXCEPT THE BRIDGER-TETON

United States Forest \_\_\_\_\_ District \_\_\_\_\_  
Department of Service \_\_\_\_\_ National P.O. Box \_\_\_\_\_  
Agriculture Forest \_\_\_\_\_, WY \_\_\_\_\_

Reply to: 2720 Date: \_\_\_\_\_

Subject: Outfitter Permit Verification and Area Authorization

To: Wyoming State Board of Outfitters and Professional Guides  
1750 Westland Road  
Cheyenne, WY 82002

I certify that a temporary special use permit/use for sheep moose goat lion  
spring bear (circle appropriate one(s)) spike camp will be issued to  
\_\_\_\_\_ for outfitting and guiding on the \_\_\_\_\_ National  
Forest for the 19\_\_ season; provided that the permittee submits an annual  
itinerary, copy of insurance, pays the required fees, and obtains the proper  
State outfitter license and hunt area authorization from the Board.

I request that \_\_\_\_\_ be granted a hunt area authorization for  
the following in conjunction with the aforementioned permit/use.

Species	Hunt Unit
_____	_____
_____	_____

This hunt area authorization is temporary for one season only.

If the Board has any recommendations relating to this issuance, please  
contact \_\_\_\_\_ at the \_\_\_\_\_ District Office with  
your recommendations.

\_\_\_\_\_  
DISTRICT RANGER

\_\_\_\_\_  
DATE



Exhibit S2-7

United States	Forest	_____ District	_____
Department of	Service	_____ National	P.O. Box _____
Agriculture		Forest	_____, WY _____

Reply to: 2720

Date: \_\_\_\_\_

Subject: Outfitter Permit Verification and Area Authorization

To: Wyoming State Board of Outfitters and Professional Guides  
 1750 Westland Road  
 Cheyenne, WY 82002

I certify that a special use permit dated \_\_\_\_\_ issued to \_\_\_\_\_ authorizing outfitting/guiding privileges on the \_\_\_\_\_ District (\_\_\_\_\_ National Forest) will be terminated as a result of permit waiver by the permittee based upon the sale of the outfitting business. The buyer of the business assets, \_\_\_\_\_, will obtain preference for re-issuance of a permit authorizing such waived use; will make application for such authorization; and is qualified (via federal guidelines) to obtain such authorization. The re-issuance will occur upon final approval of sale records by the Forest Service, and documentation of concurrence by the State Board of Outfitters.



Exhibit OSLI-1 – Board of Land Commissioners – Rules & Regulations – Chapter 14 –  
Temporary Use Permits

May be found on the web: [http://soswy.state.wy.us/Rule\\_Search\\_Main.asp](http://soswy.state.wy.us/Rule_Search_Main.asp)

Agency: Click on Land & Investments

Program: Click on Land Commissioners, Board Of

Click on current rules & type in 14 for Chapter. Click on Search (bottom right hand corner of the box). Click on 4618



Exhibit OSLI - 2

Revised October 2001

**PERMIT APPLICATION FEE \$25.00**

STATE OF WYOMING  
BOARD OF LAND COMMISSIONERS  
APPLICATION FOR TEMPORARY USE PERMIT

APPLICATION NO. \_\_\_\_\_ COUNTY \_\_\_\_\_  
(Assigned by office)

**APPLICANT:**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

**Use applied for:** (check one)

- Construction activity (indicate total acreage affected \_\_\_\_\_ )
- Hot mix facility (indicate total acreage affected \_\_\_\_\_ )
- Organized recreation activity
- Roadway (indicate proposed width \_\_\_\_\_ and length \_\_\_\_\_ )
- Sign Board (indicate dimensions: width \_\_\_\_\_ and length \_\_\_\_\_ )
- Stockpile site (indicate total acreage affected \_\_\_\_\_ )
- Water removal facility
- Outfitting/guiding activities (indicate exclusive \_\_\_\_ or nonexclusive \_\_\_\_ and provide outfitting/guiding license no. \_\_\_\_\_ )
- Disposal and/or Injection Well
- Non-commercial Decorative Rock/Stone Removal
- Other: (specify)

Specifically describe proposed use:

List any improvements to be placed on the land:



Describe the state land applied for (use a separate sheet if necessary). Delineate the proposed permit area on a quad map and attach the map.

Legal Description	Sec.	Twp	Rng.	length/ft	County		

Requested duration of permit: Number of years \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
(Date) (Date)

Consideration offered for permit:

\_\_\_\_\_

I hereby certify that I have read and agree to abide by the Rules and Regulations of the Board of Land Commissioners governing temporary use permits and the terms and conditions of the temporary use permit.

\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Print or Type Name

**STATE OF WYOMING**  
**BOARD OF LAND COMMISSIONERS**  
**SURFACE LESSEE NOTIFICATION AND COMMENT FORM**

(Sections A & B to be completed by applicant)

**A. PROJECT/ACTIVITY INFORMATION:**

Type of Project:			
Applicant:			
Address:			



			Phone:	
--	--	--	--------	--

State Land Involved:

Section		Township		Range		County	
Section		Township		Range		County	
Section		Township		Range		County	

**B. SURFACE LESSEE INFORMATION:**

Lease No.:	
Name:	
Address:	
Phone No.:	

**C. SURFACE LESSEE COMMENTS: (to be completed by surface lessee)**

If this project will negatively affect your grazing/agricultural operation, please explain.

\_\_\_\_\_  
(Signature of Surface Lessee)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Please type or print name)

**ADDITIONAL INFORMATION AND INSTRUCTIONS:**

1. The completed Surface Lessee Notification and Comment Form **must** accompany the easement or temporary use permit application when submitted to Office of State Lands and Investments for processing.
2. Surface Impact payments will be made directly to the surface lessee by the applicant in accordance with the approved impact payment schedule. The schedule will be reviewed and revised annually.

## **MOU Amendment Between the**

### **Bureau of Land Management and Wyoming State Board of Outfitters & Professional Guides**

The Bureau of Land Management (BLM) and the Wyoming State Board of Outfitters and Professional Guides (Board) have agreed to amend the existing MOU in order to improve communications and streamline processing requirements for obtaining a BLM Special Recreation Permit and Wyoming Outfitter license. This amendment has been carefully reviewed for compliance with all federal and state laws, including the National Environmental Policy Act, and other pertinent regulations, guidance and executive orders governing the administration of commercial outfitters and guides. It has been determined that this amendment meets objectives set for both parties and does not conflict with existing land use plans.

New administrative procedures and protocols have been developed and are agreed upon by both parties. The administrative changes address a number of internal issues as well as eliminate redundant, conflicting and lateral processes. This document outlines procedures by which SRP and licensing applications are processed pertaining to BLM administered lands.

The procedures outlined in the amendment apply to new and supplemental applications and will accomplish the following items:

- a) Streamline and simplify the process and eliminate process confusion.
- b) Eliminate the need for any Letters of Intent.
- c) Enable the Board to review and verify Operating Plan and Supplemental Area Authorization content, requested hunt areas (by species), and experience to ensure that they meet the Board's criteria.
- d) Allow for more processing independence between the entities (BLM, Board), but still allows for coordination opportunities.
- e) This process will enable the Board with the opportunity to enforce its statutes, rules and regulations and the BLM will subsequently process the SRP that meets the Board's criteria.
- f) Applicants will submit their Operating Plan and if applicable, their Supplemental Area Authorization, to the Board prior to submitting their permit application to the BLM. The Board will forward a copy of the applicants approved Operation Plan to the BLM office in Cheyenne along with a listing of the number of outfitters already authorized and the number of tags available in the approved areas to be distributed to the correct permitting officer. This will enable the Board to meet with the applicant to discuss how many outfitters and tags are available in the areas requested to see if they are willing to remove any of these areas.
- g) The BLM will process the Special Recreation Permit Application after they have received an approved Operating Plan from the Board. BLM may issue the SRP with necessary mitigation/stipulations to effectively outfit and guide on BLM-administered public lands.

- h) The BLM will forward a copy of the approved permit/supplemental area requests to the Board that will show all hunt areas by species and areas authorized under that permit.
- i) The final decision to authorize any SRPs on BLM administered public lands will be made by the BLM authorized officer.

See Exhibit 1 for the process for obtaining authorization to operate commercial big game outfitting business on public lands.

This Amendment hereby the BLM portion of the original 2010 MOU.

**Attachment A**  
**BLM SRP Authorization Process**

<u>Steps for Issuing Special Recreation Permits</u> (for other than individuals using Special Areas)			
Step	Responsible Person	When (Unless Otherwise Approved)	Action
1	Authorized Officer	As appropriate.	Provides information to affected users of permit requirements.
2	Authorized Officer	180 days or more prior to the desired use date.	Mails or hands out SRP application forms and other information (maps, pamphlets, stipulations) and requirements for supplemental information on request.
3	Applicant	180 days prior to the desired use date, unless a shorter period is approved or a longer period is required.	Contacts local BLM office regarding requirement for and availability of permits prior to making use of the public lands and related waters. Submits completed application and required supplemental information to appropriate BLM office.
4	Authorized Officer	Within 30 working days of receipt of application.	Checks application for completeness, reviews proposed operating plan for consistency with planning, checks on past performance or bills due. May reject application at this stage or require additional materials.
5	Authorized Officer	Within 30 working days of receipt of all required application materials.	Notifies applicant if substantial processing work is involved due to NEPA, consultation, or other requirements and if cost recovery charges may apply.
6	Authorized Officer and Applicant	As appropriate.	Discuss and coordinate with the applicant any problems with the application, and ensure that applicant has coordinated with other landowners and managers. Conducts environmental analysis, if necessary.
7	Authorized Officer	Upon completion of permit processing or 31 days before desired use date.	Provides written notification of disapproval, or requests: insurance policy, certificate of insurance, or bonds if not submitted in Step 3, and requests full or partial payment, if applicable, of estimated fees.
8	Applicant	At least 10 working days before desired use date.	Provides to BLM: policy or certificate of insurance (as appropriate), bond (if required), other requested information, and full or partial payment of fees.
9	Authorized Officer	As appropriate before desired use date.	Issues approved permit with stipulations signed by the authorized officer, also issues required reporting forms (daily trip logs and post-use report).

**Attachment B can be found on the Wyoming State Board of Outfitters  
& Professional Guides website: <http://outfitters.state.wy.us>**

**Attachment B  
Wyoming Board of Outfitters and Professional Guides  
Chapter 2 - Licensing Provisions**

**Wyoming Board of Outfitters and Professional Guides  
New Application Process**

The New Applicant Letter specifically outlines the application process for a new outfitter's license. This language reiterates the Wyoming Board of Outfitter and Professional Guide's (Board) rules and regulations, as well as new additional processes so as to adequately manage the State of Wyoming's Outfitter program. This may also be found on the Board's website shown above.

**Attachment C  
BLM Exhibits from  
2010 Memorandum of Understanding**

The following exhibits are found in the 2011 Memorandum of Understanding which guides the BLM/BOARD's coordinated SRP application process:

**Exhibit - BLM – 1: Table and Flow Chart (3 pages)**

**Exhibit - BLM – 2: BLM/Board Operating Guidelines for Issuing Supplemental Area Authorization requests for Board Licenses and BLM Special Recreation Permits (SRPs)**

**Exhibit - BLM – 3: Special Recreation Permit Interoffice Coordination Report**

**Exhibit – BLM – 4: Special Recreation Permit Annual Evaluation**

**Exhibit – BLM – 5: Special Recreation Permit Outfitter/Guide Performance Rating Guidelines**

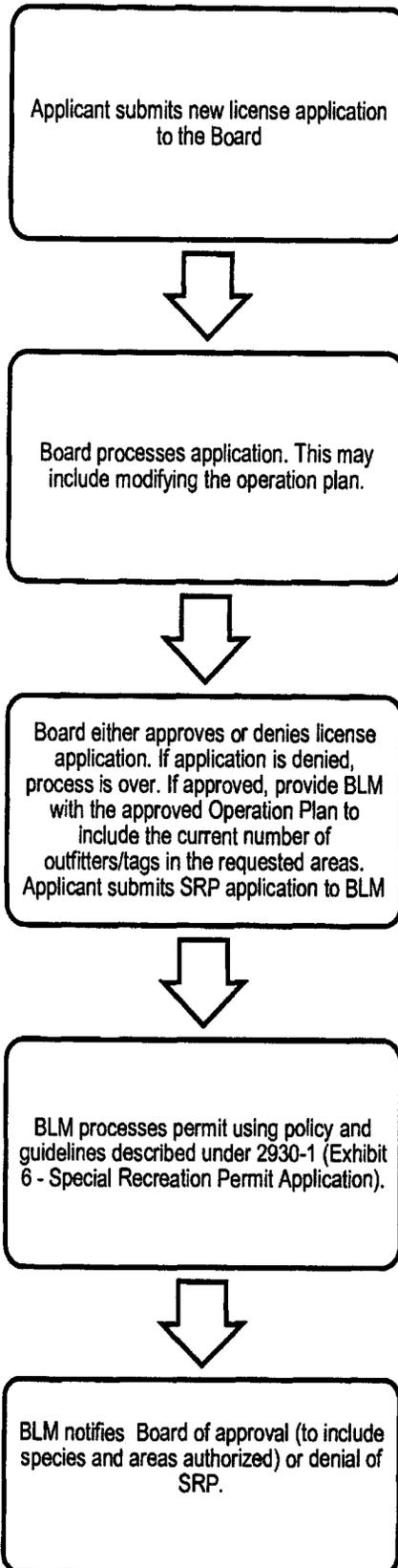
**Exhibit – BLM – 6: Special Recreation Permit and Application Form**

**Exhibit – BLM – 7: Joint Board and BLM Operating Plan**

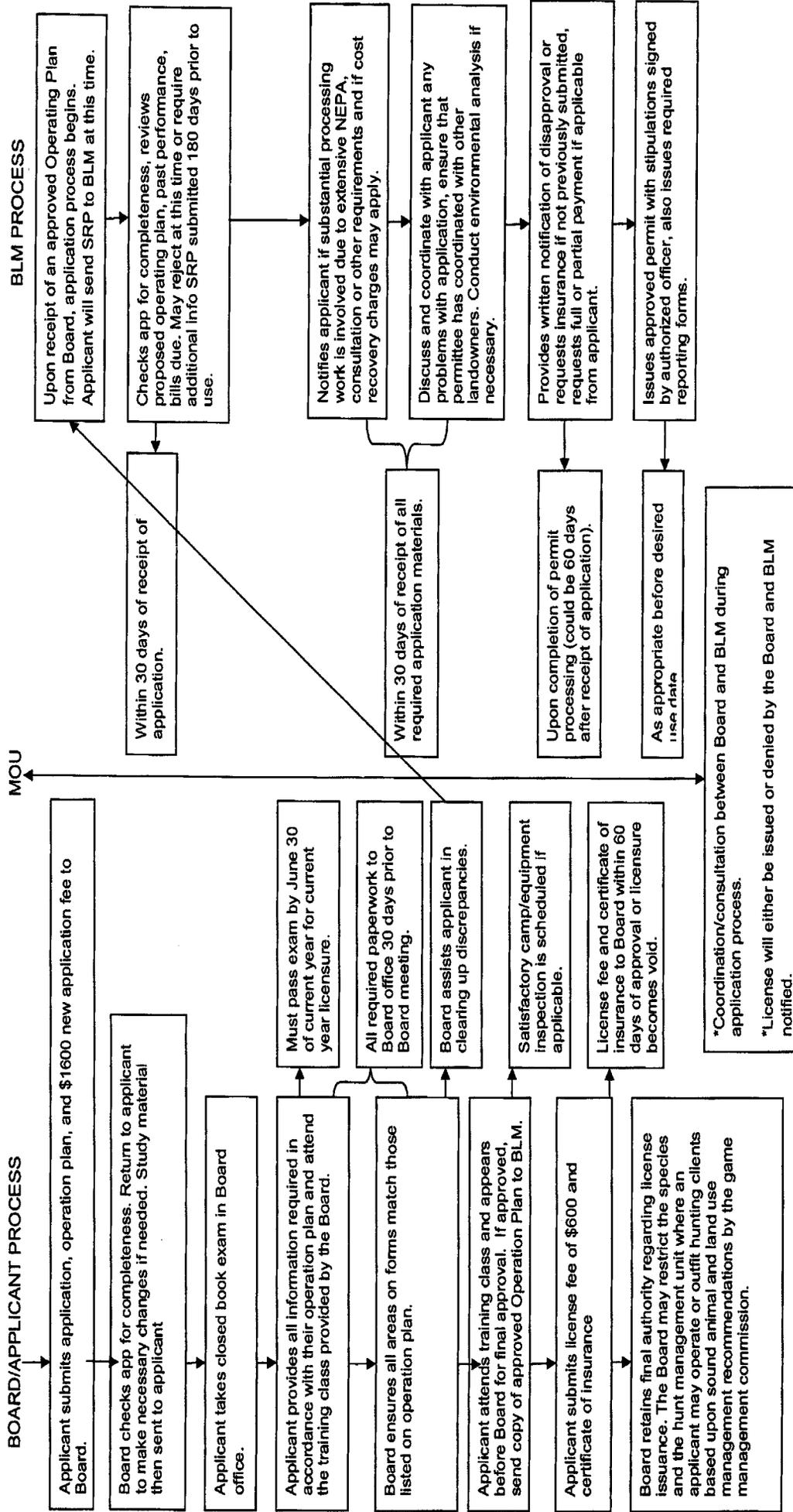
**Exhibit – BLM – 1: Table and Flow chart (3 pages)**

Step	Applicant	BLM	BOARD	MOU	Timeline
1	Submits outfitter application to the Board		Review Operating Plan to verify content, requested species, and experience meets the Board's criteria. Coordinates with the applicant regarding the Board's criteria.	Submits outfitter application to the Board	Must be completed by June 30 <sup>th</sup> .
Decision point – BOARD either approves application, or deny applicant. If approves application, then the following will proceed:					
2	Submits SRP application to BLM with copy to Board		Provide approved Operating Plan and number of outfitter/tags information to the Cheyenne BLM Office for distribution to the correct permitting district.	Coordinate with applicant and all affected land agencies.	Must be completed by June 30 <sup>th</sup>
3		Processes SRP application (consistent with SRP guidelines and requirements listed in H-2930-1).		The BLM will process the SRP.	SRP policy allows BLM 180 days to process SRP.
4		Approve or deny SRP.		BLM will either deny or approve SRP	SRP policy allows BLM 180 days to process SRP.
5		Issue applicant with completed SRP package (cc: Board)		Upon receipt of approved SRP, the Board will issue the outfitter applicant authorization for the approved BLM lands.	

**Board Version**  
**Flow Chart illustrating new MOU Process**



**BLM/Wyoming Board of Outfitters and Professional Guides  
Process and Time Table for New Outfitter Applicants**



**Exhibit – BLM – 2**

**BLM/BOARD Operating Guidelines for Issuing  
Supplemental Area Authorization Requests for Board Licenses  
And BLM Special Recreation Permits (SRP's)**

- 1. Outfitter submits the supplemental area authorization form to the Board Office.**
- 2. Supplemental area requests must be submitted to the Board Office no later than August 1 of each year.**
- 3. The Board will determine if a new operation plan must be provided as set by their guidelines.**
- 4. The Board Office will forward the completed form and operation plan (if applicable), along with the number of outfitters currently operating in the requested areas and the number of tags available issued by the Game & Fish Department for those areas.**
- 5. The BLM will notify the Board of the species and areas approved by them.**
- 6. The Board will issue an updated license to the outfitter.**

**Exhibit - BLM - 3**

**Special Recreation Permit Interoffice Coordination Report**  
(The Interoffice Coordination Report is required in order to keep the SRP Valid)

**Purpose:** The Wyoming BLM's goal of providing one-stop shopping customer service has created circumstances when applications for permits are accepted and processed by a field office in a different location than the proposed use. The purpose of this report is to provide all field offices affected by a proposed SRP use, the opportunity to comment on those uses.

**AUTHORIZING OFFICE (complete this section)**

SRP Applicant: \_\_\_\_\_ SRP Number: \_\_\_\_\_

Address: \_\_\_\_\_

Business Phone: \_\_\_\_\_ Home/Cell Phone: \_\_\_\_\_

Proposed Uses: \_\_\_\_\_

Offices Affected By Proposed Uses:  Buffalo  Casper  Cody  Kemmerer  Lander

Newcastle  Pinedale  Rawlins  Rock Springs  Worland

Locations: BLM Administered public lands within the Wyoming State Hunt Areas listed below. See Attached Maps

Antelope: \_\_\_\_\_

Deer: \_\_\_\_\_

Lion: \_\_\_\_\_

Other: \_\_\_\_\_

Overnight Camp Locations: \_\_\_\_\_

Issuing Field Office: \_\_\_\_\_ Date: \_\_\_\_\_

Application Processed By: \_\_\_\_\_

**AFFECTED FIELD OFFICE (complete this section)**

Reviewed By: \_\_\_\_\_ Field Office: \_\_\_\_\_ Date: \_\_\_\_\_

Comments (including recommended SRP stipulations are attached)  Approve with general stipulations.

**Checklist:**

Authorizing Office contacts affected offices prior to issuing permit. If coordination can be accomplished by a phone call to the affected office, please document results. Date task completed: \_\_\_\_\_

Authorizing Office completes "AUTHORIZING OFFICE" section of this report and sends a copy or places a phone call to each affected field office for review and comment. Date task completed: \_\_\_\_\_

Each affected field office reviews proposed use, makes comments, keeps a copy for their file, and returns report to the authorizing office in a timely manner. Date task completed: \_\_\_\_\_

Comments and stipulations from affected field offices are included in SRP and Interoffice Coordination Report is filed in the permittee's file by the authorizing office. Date task completed: \_\_\_\_\_

Permit will not be approved until the Interoffice Coordination Report is complete. Date task completed: \_\_\_\_\_

Approved and signed SRP and related documents are sent to affected field offices. Date task completed: \_\_\_\_\_

**NOTE: Copies of the SRP Application, Operating Plan, and Map(s) must be mailed to affected field office(s) for all recreation use proposals.**

**Exhibit - BLM - 4**

Special Recreation Permit/Interoffice Coordination Report - Hard copy is attached. This exhibit may be downloaded at <http://www.wy.blm.gov/recreation/srpermit.htm> (Note: If the issuing office manages their permit program using *Access Database*, this form shall differ; however, includes the same information.)

**SPECIAL RECREATION PERMIT ANNUAL EVALUATION**

<b>Outfitter:</b>		<b>Year:</b>
<b>Business Name:</b>		<b>Expires:</b>
		<b>Current:</b> Yes      No
<b>Insurance: Expiration Date:</b>		
<b>Acceptable Limits: Liability</b>		
Property		
U.S. named insured/co-insured/additional?		
<b>Fees Paid?</b>	<b>Date</b>	<b>Amount</b>
Credit Forward		
Previous Balance Due		
Minimum Annual Fee		
Campsite Reservation Fee		
Operations conform to operating plan?		
Performance bond status effective? Expires:		
Post Use Report in on date:		
Wyoming State Board of Outfitters & Professional Guide License in file?		
Number of days on BLM land:      Number of participants:		
Free of violations or public complaints?		
On-the-ground inspection completed for overnight camps?		
Outfitter performance rating: <input type="checkbox"/> Superior <input type="checkbox"/> Acceptable <input type="checkbox"/> Probationary <input type="checkbox"/> Unacceptable		
Superior Outfitter Performance Documented? (Note in Comment Section)		
Permittee sent results of Annual Evaluation? Date:		
Comments:		
Annual Evaluation Completed By:		Date:
Annual Evaluation Approved By:		Date:

**Exhibit - BLM - 5**

**BLM - Special Recreation Permit  
Outfitter/Guide Performance Rating Guidelines**

1. An annual Post-Use Report will be required by all outfitters holding BLM-Special Recreation Permits. The post use report is due by December 31<sup>st</sup> of each year.

An annual evaluation will be required by all outfitters holding BLM-Special Recreation Permits (BLM Manual 2930-1). The evaluation will assess adequacy of use fees, liability insurance policy, performance bonds, operating plans, permit violations, public complaints and other information as appropriate.

Four different performance levels are recognized: Superior, Acceptable, Probationary, and Unacceptable.

A. Superior - Performance exceeds all established standards for the permitted activities. The outfitter has made an exceptional contribution to the environment, research, education, public awareness, etc. for the good of the public lands, community or state. Award permittee with Certificate of Appreciation signed by the Field Manager.

B. Acceptable - Performance is satisfactory and meets at least minimum established standards for the permitted activities. This may include some minor deficiencies that need correction. If these deficiencies persist after notification or are not corrected in a reasonable time period, they may result in a probationary or unacceptable rating. Weak areas needing attention or especially strong areas will be documented on the rating form or attachments.

C. Probationary - Performance is less than acceptable for significant considerations applicable to the permitted activities. Performance does not pose an immediate threat to the safety of guests or others, is not in violation of law and does not pose a threat of significant resource damage. However, corrective action by the permittee is mandatory and continuous operation at this level of performance would be unacceptable. The basis for the rating will be clearly documented on the rating form or attachments.

A permittee who is given a summary performance rating of probationary will qualify for a permit period not to exceed one year and permits with remaining periods of more than one year will be so amended. If a holder continues to operate at the probationary level, the authorized office shall terminate the permit and/or deny future permit applications.

D. Unacceptable - Performance is clearly unacceptable for one or more significant considerations applicable to the permitted activity and cannot be allowed to continue. This level of performance may pose a threat to the safety of guests or others, may involve a serious violation of law, or pose a threat of significant resource damage. The basis for this rating will be clearly documented on the rating forms or attachments.

Failure to obtain necessary licenses or registration, recurrent or serious violations of fish and game or outfitter/guide laws and regulations in conjunction with permitted activities, failure to pay fees, failure to comply with permit requirements of insurance, failure to meet minimum requirements established for utilization of permit privileges, falsification of records and/or third party permit privileges will result in an unacceptable rating.

A summary performance rating of unacceptable will result in suspension, termination, or revocation of the permit as appropriate to the circumstances.

2. On-the-ground inspections will be required when warranted for all outfitters who maintain reserved camps on BLM-administered public lands as part of their business. No inspections will be required for day use outfitters who use a combination of state, private, and public land and do not maintain reserved camps.

**Exhibit – BLM – 6**

Special Recreation Permit Application and Post Use Report

This exhibit may be downloaded at <http://www.wy.blm.gov/recreation/srpermit.htm>.

The BLM revised the Special Recreation Permit and Application form. Effective January 2011, there is a separate Special Recreation Permit Application (revised form 2930-1). Upon approval of the permit application, BLM will issue a Special Recreation Permit (new form 2930-2) as the authorization form for special recreation permits (SRP). The Post Use Report remains the same.

Wyoming State Board of Outfitters & Professional Guides – <http://outfitters.state.wy.us>

**Exhibit - BLM - 7**

There is one Operating Plan for both the Board and BLM. You can access from either the BLM's or Board's websites below.

Operating Plan for Commercial Outfitters and Competitive Permittees - This exhibit may be downloaded at <http://www.wy.blm.gov/recreation/srpermit.htm>.

Wyoming State Board of Outfitters & Professional Guides - This exhibit may be downloaded at <http://outfitters.state.wy.us>.

The original 2010 MOU, consisting of thirty-three (33) pages, and this Amendment, consisting of fourteen (14) pages, represent the entire and integrated MOU between the parties and supersede all prior negotiations, representations, and agreements, whether written or oral.

The parties do not waive sovereign immunity by entering into this Amendment and they specifically retain all immunities and defenses available to them as sovereigns.

Signatories to this BLM amendment:



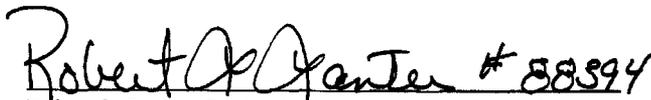
\_\_\_\_\_  
Cole Benton, Chairman of the Board  
WY State Board of Outfitters and Professional Guides

6-20-12  
Date



\_\_\_\_\_  
Donald A. Simpson, State Director  
Bureau of Land Management, Wyoming State Office

6/29/12  
Date



\_\_\_\_\_  
Robert L. Lanter, Senior Assistant Attorney General  
Wyoming Attorney General's Office

6-14-12  
Date

**WYOMING STATE BOARD OF OUTFITTERS  
AND PROFESSIONAL GUIDES**

**RULES AND REGULATIONS**

**Revised March 2011**

**1950 Bluegrass Circle, Suite 280  
Cheyenne, WY 82002  
307-635-1589/800-264-0981**

WYOMING STATE BOARD OF OUTFITTERS & PROFESSIONAL GUIDES

TABLE OF CONTENTS

CHAPTER 1

GENERAL PROVISIONS

Section No.	Subject	Page No.
1	Authority	1-1
2	Definitions	1-1
3	Savings Clause	1-2

CHAPTER 2

LICENSING PROVISIONS

1	Application for and Issuance of New Outfitter Licenses and Area Authorization	2-1
2	Examination for Outfitters	2-3
3	Outfitters to Submit Required Report	2-3
4	Renewal of Outfitter Licenses	2-3
5	Application for and Issuance of Professional Guide Licenses	2-4
6	Examination for Professional Guides	2-5
7	Renewal of Professional Guide Licenses	2-5
8	Proof of Licensure Required	2-5

CHAPTER 3

REGULATORY PROVISIONS

1	Rules of Professional Conduct	3-1
2	Code of Ethics	3-2
3	Denial, Suspension and Revocation	3-4

CHAPTER 4

PRACTICE AND PROCEDURE

1	Overview	4-1
2	Complaints	4-1

3	Review of Complaint	4-1
4	Conduct of Investigation	4-2
5	Investigator's Report	4-2
6	Informal Compliance Procedures	4-3
7	Formal Hearing Procedures	4-3
8	Default	4-3
9	Motions	4-4
10	Docket	4-4
11	Hearing Officer	4-4
12	Discovery	4-4
13	Subpoenas	4-4
14	Witnesses	4-5
15	Representation	4-5
16	Order of Procedure	4-5
17	Decision and Order	4-6
18	Record of Proceedings	4-6
19	Appeals	4-7
20	Applicability of the Rules of Civil Procedure	4-7

## CHAPTER 5

### LICENSE FEES

1	Fees Generally	5-1
---	----------------	-----

## RULES AND REGULATIONS

### CHAPTER 1

#### GENERAL PROVISIONS

Section 1. Authority. These rules and regulations are adopted pursuant to W.S. 23-2-401, W.S. 23-2-406 et. seq., W.S. 33-1-201, and the Wyoming Administrative Procedure Act, W.S. 16-3-101 et. seq.

Section 2. Definitions. For the purpose of these rules, definitions will be as set forth in the Act and the following:

(a) "Act" means the Wyoming Outfitters and Professional Guides Act, W.S. 23-2-406 et seq.

(b) "Outfitter" means a person including a hunting club, who advertises or holds himself out to the public for hire or remuneration to provide guide or packing services for the purpose of taking any big or trophy game animal, excluding any person who furnishes pack or riding animals and other equipment only to a hunter for his personal temporary use and any landowner providing outfitter services on private lands owned or leased by him. As used in this paragraph:

(i) "Hunting Club" means any person requiring dues or remuneration for providing personal services in the field for the taking of any big or trophy game animal;

(ii) "Landowner" means any person, firm or corporation holding title to, or occupying under a contract of purchase, agricultural land or any person whose family owns at least a majority of the stock in a Wyoming corporation and who provides services specified in this paragraph on lands owned by the corporation and used primarily for agricultural purposes.

(iii) "Packing services" means transporting for hire or remuneration, hunters, game animals or equipment in the field for the purpose of taking any big or trophy game animal.

(iv) "Client" means a person who engages the professional services of a licensed outfitter.

(v) "Guide Services" means for hire or remuneration, accompanying and providing assistance of any kind to a hunter in the field relating to the taking of any big or trophy game animal.

(vi) "Compensation" and "Remuneration" mean payment of any kind, without regard to value or agreement, including tips, presents, exchange of property or services, or bartering for guide services.

(vii) "Advertises" means attempting by any means, including the Internet, the worldwide web or a similar proprietary or common carrier electronic system, to induce persons to enter into an agreement with an outfitter to receive guide or packing services for the purpose of taking any big or trophy game animal. No person shall advertise outfitter or guide services in Wyoming without listing the license number of the outfitter(s) who will provide the services advertised.

(viii) "Take" means to hunt, pursue, catch, capture, shoot, trap, kill or possess, or attempt to hunt, pursue, catch, capture, shoot, trap, kill or possess any big or trophy game animal.

(c) "Professional guide" means any person employed by or operating under an independent contract with a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities for the purpose of hunting animals except any person employed by a licensed outfitter solely to care for, groom or saddle livestock, cook, cut wood or to transport people, equipment and personal property.

(d) "Area" means a hunt area as described in current big or trophy game hunting regulations as determined by the Wyoming Game & Fish Department.

(e) "Conviction" means a finding of guilt, forfeiture of bail bond or collateral deposited to secure a defendants appearance, or entry of a nolo contendere plea.

(f) "Booking Agent" means any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele.

(g) "Outfitter of Record" means the licensed outfitter designated by any unlicensed owner of an outfitting business who is specifically authorized to represent the business and is responsible and accountable for the operations of the business.

(h) "State" means the State of Wyoming.

Section 3. Savings Clause. If any provision of these rules or their application to any person or circumstances are invalid or in conflict with any other provision of these rules, the invalidity shall not affect other provisions or application of these rules which can be given effect without the invalid provision or applications and to this end the provisions of these rules are severable.

## CHAPTER 2

### LICENSING PROVISIONS

#### Section 1. Application for and Issuance of New Outfitter Licenses and Area Authorization.

(a) Outfitter licenses will be issued as Type A - Big and Trophy Game and Type B - Deer/Antelope. Any qualified person desiring to operate as an outfitter may make application for an outfitter license for the type desired on forms provided by the Board (Application and Operation Plan). The application shall be completed by the applicant and returned to the Board, together with the new applicant fee. The study material for the exam will then be mailed to the applicant. This fee is non-refundable. The application and new applicant fee shall be valid for one year from date of receipt.

(b) Applicants shall indicate the hunt area(s) in which they intend to operate and shall provide all information as required on the Operation Plan. Outfitters may operate only in those areas approved on the Operation Plan, except as provided in paragraph (f) of this section.

(c) Applicants shall submit a letter of intent from an insurance company indicating they will insure the applicant if a license is approved. Insurance must be effective during the entire licensing period. If insurance is not in effect, the license is void.

(d) Prior to final approval of an outfitter license, the applicant shall secure written endorsement from the public land agency or lessor for the areas shown on the Operation Plan. A "Surface Management Status Map" shall be submitted showing all intended areas of operation for any private lands requested on the private land form. All written records of applicants involving landowner or lease permission shall remain confidential.

(e) All applicants shall appear in person before the Board, unless waived by the Board. The Board may also request an applicant to pass a camp and equipment inspection.

(f) Licensed outfitters may apply for additional area authorizations by submitting the proper Supplemental Area Request form to the Board or a letter of intent from the controlling land agency that indicates the species and areas where the licensee may operate.

(g) The Board shall retain final authority regarding license issuance and hunt area authorization. The Board may restrict the species and the hunt management unit where an applicant may operate or outfit hunting clients based upon sound game and land use management principles and purposes based upon recommendations by the commission.

(h) All area authorization permits shall be issued in the name of the outfitter.

(i) The new application fee as set by the Board shall be submitted with the original application and operation plan.

(j) An applicant for a new outfitters license shall have experience as a licensed professional guide for not less than one (1) year or have other training, experience or education acceptable to the Board. The applicant may submit a letter of reference from a licensed outfitter and shall demonstrate knowledge of the area(s) for which application is made.

(i) Seventy (70) days in the field while guiding hunters as a licensed professional guide equals (1) year experience.

(k) Beginning July 1, 2011 all applicants for a new outfitters license shall:

(i) Be certified in first aid and submit a copy of his current and valid first aid certification card with the original application;

(ii) If born on or after January 1, 1966 possess a certificate of competence and safety in the use and handling of firearms (hunter safety card) and submit a copy of his hunter safety card with the original application; and

(iii) Attend the outfitter training course provided by the Board.

(l) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal law or regulation pertaining to wildlife, game or fish.

(m) No license approved by the Board will be issued unless the proper license fee and proof of insurance are received in the Board office within 60 days of the date of approval.

(n) No license will be considered for approval by the Board until all licensing requirements have been met.

Section 2. Examination for Outfitters.

(a) New applicants for outfitter licenses shall be given an examination to test the applicant's knowledge of the Act, Board rules, Game & Fish laws, Forest Service and BLM outfitting policies, and first aid. It shall also include habits of game sought, hunting techniques, care of meat and trophies and applicable firearm laws.

(b) An examination for a new outfitter license for a current year shall be given as needed January through June. The examination shall be given as needed during July through December for the following year. Applicants shall make an appointment to test no less than fourteen (14) days in advance. The examination shall be a closed book test. Passing the examination will constitute receiving a score of at least seventy-five percent (75%). Any person failing to pass an examination may be given another examination after thirty (30) days. An applicant who fails the examination twice in a calendar year shall not be eligible to retake the examination until the following calendar year. Upon receiving a passing score, the exam shall be valid for one year from the date taken.

Section 3. Outfitters to Submit Required Report. Each licensed outfitter shall submit an Outfitter's Annual Report on the form provided by the Board covering the calendar year for which the license was held. The reported information shall be legible, accurate, completed and verified by a notary public. Reports shall be received by the Board by January 31 of each year. A license shall not be renewed until this Report has been received.

Section 4. Renewal of Outfitter Licenses.

(a) Outfitter licenses expire on December 31<sup>st</sup> of the year issued per W.S. 23-2-414(b). Therefore, outfitter renewal applications must be post-marked no later than December 31<sup>st</sup> of each year. Any application post-marked after that date shall be treated as a first time applicant except for good cause as determined solely by the Board.

(b) An outfitter license may be renewed and the same license number retained if the applicant is not applying for additional area(s) or services upon submission of the following by December 31<sup>st</sup> prior to the year for which a license is sought.

- (i) A completed outfitter license renewal application form;
- (ii) An original Certificate of Insurance if one is not on file;
- (iii) The outfitter license as set by the Board under Chapter 5, Section 1.

- (iv) No license will be considered for renewal by the Board until all licensing requirements have been met.

Section 5. Application for and Issuance of Professional Guide Licenses.

(a) Any qualified person desiring to operate as a professional guide may make application for a professional guide license on the form provided by the Board.

(b) The application shall be completed by the applicant and returned to the Board together with the annual license fee as set by the Board under Chapter 5, Section 1.

(c) Beginning July 1, 2011, all applicants for a professional guide license shall:

- (i) Be certified in first aid and submit a copy of his valid first aid certification card with the application; and
- (ii) If born on or after January 1, 1966, a professional guide must possess a certificate of competence and safety in the use and handling of firearms (hunter safety card) and submit a copy of his hunter safety card with the application, if one is not on file.
- (iii) For good cause shown when the applicant applies for a professional guide license during the hunting season, these requirements may be waived. No guide shall receive more than one waiver.

(d) An applicant may receive only one fourteen (14) day permit in any twelve (12) month period.

(e) A professional guide license issued by the Board is valid if:

- (i) The professional guide is employed or contracted by a licensed outfitter;
- (ii) Signed on the back by the employing or contracting outfitter, including the outfitter's license number; and
- (iii) It is the original license or is a facsimile copy, properly signed, which shall be valid proof of licensure until it is reasonably practical to possess the original.

(f) Professional guides covered under liability insurance of a licensed outfitter shall not be required to furnish a separate certificate of insurance.

(g) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal law, or regulation pertaining to wildlife, game or fish.

Section 6. Examination for Professional Guides. New applicants for professional guide licenses shall be given an open book examination prior to issuance of the license. The examination shall test the applicant's knowledge of the Act, Board rules, game and fish laws, Forest Service and BLM policies and first aid. It shall also include habits of game sought, hunting techniques, care of meat and trophies and applicable firearm laws.

Passing the examination will constitute receiving a score of at least seventy-five percent (75%). Any person failing to pass an examination may be given another examination after thirty (30) days. Upon receiving a passing score, the exam shall be valid for one year from the date taken.

Section 7. Renewal of Professional Guide Licenses. Professional Guide licenses expire on December 31<sup>st</sup> of the year issued per W.S. 23-2-414(b). A renewal filed after December 31<sup>st</sup> is not timely filed for purposes of Wyoming Statute 16-3-113(b). However, Professional Guides licensed in either of the prior two calendar years may submit a renewal application and are exempt from taking the exam and paying the new application fee as required for first time applicants. A professional guide license may be renewed upon submission of the following:

- (b) A completed professional guide application;
- (c) The annual professional guide license fee as set by the Board under Chapter 5, Section 1 and pursuant to W.S. 33-1-201.

Section 8. Proof of Licensure Required.

(a) Licensees shall carry their original license, as issued by the Board, at all times when providing outfitting or professional guide services, except as authorized by Section 5 (e) (iii) of this Chapter.

## CHAPTER 3

### REGULATORY PROVISIONS

Section 1. Rules of Professional Conduct. The following includes, but is not limited to, rules of professional conduct, a violation of which may be considered unethical or dishonorable conduct;

(a) A licensee shall not submit any substantially false statements or fail to disclose any substantial facts requested in connection with an application for licensure.

(b) A licensee shall not engage in fraud in advertising or soliciting professional services to the public. Effective January 31<sup>st</sup>, 1999 licensees shall include their license number on all correspondence, including advertising brochures, contracts, etc.

(c) A licensee shall not allow an unlicensed individual to perform outfitting or professional guide services. A licensee shall report illegal outfitting and professional guide services to the Board.

(d) A licensee shall not engage in any activity which results in conviction of a felony.

(e) A licensee shall not violate any significant federal or state law or related regulations pertaining to wildlife, game and fish.

(f) A licensee shall cooperate fully with private landowners and public land management agencies and shall respect their rights and privileges.

(g) A licensee shall advise clients of applicable conservation and game laws and shall not condone or willfully allow their violation.

(h) A licensee shall promptly report any violation of federal or state law or regulation governing wildlife, game or fish observed or known to him, to a commissioned game and fish law enforcement officer.

(i) A licensee shall not engage in any activity for which the licensee is not licensed.

(j) A licensee shall not operate in any area when area authorization has not been granted by the Board to that licensee.

(k) A licensee shall not substantially breach a contract with any person using outfitting or professional guide services of the licensee.

(l) A licensee shall not violate the terms and conditions under which the license is issued.

(m) A licensee shall provide any animal used in the conduct of business with proper food, drink and shelter and shall not subject any animal to needless abuse or cruel and inhumane treatment.

(n) A licensee shall maintain neat, orderly and sanitary camps at all times and shall provide clean, fresh drinking water, protect all food from contamination and dispose of all garbage, debris and human waste. Livestock facilities shall be separate from camp facilities. Streams shall be protected from contamination.

(o) A licensee shall not willfully endanger the health and safety of the public.

(p) A licensee shall provide a licensed professional guide for every two (2) hunters in wilderness areas and for up to six (6) hunters in all other areas of the State.

(q) A licensee shall provide clients with a brochure or other written statement which clearly states his refund policy.

(r) A licensee shall provide the Board, on their new or renewal application, a statement which clearly states the refund policy. The policy shall not be changed during the year unless it is approved by the Board prior to the time the change will be effective.

(s) A licensee shall allow the Board or its agents access at all times to inspect hunting camps, whether or not the licensee is present.

(t) A licensee shall not violate any provision of the Act.

## Section 2. Code of Ethics

(a) All outfitters and guides shall:

(1) Operate with respect for the rights of others, on private and public property, endeavor to promote and practice responsible wild land ethics, exercise good stewardship of our natural resources, and provide services on public lands in a manner such that they do not interfere with general public access to public land or access to wildlife on public land;

(2) Provide for the health, safety, and well being of their clients and employees;

(3) Leave clean camps, striving to maintain the environment in as good or better condition than before and dispose of all garbage, debris, and human waste in a proper, approved manner;

(4) Fully cooperate with officials and adhere to the laws, rules and regulations, of the Wyoming State Board of Outfitters and Professional Guides, Wyoming Game and Fish Department, United States Forest Service, National Park Service, Bureau of Land Management, State Land Office, United States Fish & Wildlife Service, and all other government agencies.

(5) Advise clients of applicable conservation standards, fish and game laws, license requirements, statutes and regulations and not condone their violation;

(6) Not excessively use alcohol, prescription or over-the-counter drugs, to the extent that the use impairs the user physically or mentally while engaged by clients;

(7) Not use illegal drugs;

(8) Not engage in fraud, deceit, misrepresentation, or concealment of any material fact in advertising, soliciting, or providing professional services to members of the public;

(9) Provide any animal used in the conduct of business with proper food, water, and shelter and not subject any animal to abuse or cruel and inhumane treatment as provided by Wyoming Law;

(10) Promptly refund deposits paid by clients upon request if such deposits are due to the client in accordance with the outfitter's written deposit refund policy or any other written agreements;

(11) Not conduct any services on private or public land, except legal transportation across such lands, without first having obtained written permission from the landowner or written authorization from the agency administering the public land, unless the agency does not require and does not provide such permission;

(12) Treat clients, employees, and the general public in a fair and professional manner and not harass or abuse clients, employees, outfitters, professional guides, or members of the general public, verbally, physically, or in any other manner;

(13) The outfitter endorsing the professional guide license shall obtain and maintain a reasonable degree of supervision over the professional guide to insure that the services offered are being provided and being provided in accordance with the law and rules, with particular regard to those laws and rules pertaining to the health, safety, and welfare of the participants, the public, and landowners;

(14) Unless done in the name of and on behalf of the endorsing outfitter, a professional guide shall not advertise services, make agreements with clients concerning monetary consideration or services offered, or collect fees from clients;

(15) An outfitter is responsible for the acts of all employees, contracted personnel and authorized booking agents when those individuals are acting within the scope of their employment, contract, agreement, or at the outfitter's direction or supervision;

(16) Outfitters will employ an adequate number of well-trained, courteous personnel to care for their guests. Also, if appropriate, will provide adequate and properly prepared food for their guests and personnel at all times. Outfitters will be required to maintain safe, adequate and serviceable equipment; and

(17) Insure that no outfitter or employee of an outfitter, shoots, kills, or takes any big game animal while providing guiding services for clients; unless an exception is granted with the mutual consent of the client and the outfitter/guide.

Section 3. Denial, Suspension and Revocation. Failure to comply with any provision of these Rules shall be grounds for denial of an outfitter or professional guide license or any other discipline to include, but not limited to, suspension for a period not to exceed three (3) years or revocation of any outfitter or professional guide license issued by the Board. Suspension and revocation proceedings shall be conducted in accordance with the Wyoming Administrative Procedure Act W.S. 16-3-101 et seq. and these rules of the Board.

## CHAPTER 4

### PRACTICE AND PROCEDURE

Section 1. Overview. It is the intent of the Board through these Rules to recognize the difference between an allegation made against a licensee and the need for a formal proceeding. The Board requests the cooperation of all licensees in responding to letters of inquiry dealing with allegations as opposed to responses to formal proceedings. Responses to letters of inquiry are voluntary whereas responses to formal proceedings are mandatory to retain the rights of licensees.

Section 2. Complaints. All complaints against an outfitter or professional guide shall be filed with the Board in writing and shall provide at least the following information:

- (a) Name and address of licensee;
- (b) Name, address and telephone number of complainant;
- (c) Nature of alleged violations;
- (d) A short and concise statement of facts relating to the alleged violations; and
- (e) Signature of complainant.

Section 3. Review of Complaint.

(a) Upon receiving a complaint or other documenting information the Board shall review the complaint to make one of the following determinations:

(i) That the complaint does not warrant further action by the Board, and so advise both the complainant and the outfitter or professional guide named that the matter has been dismissed;

(ii) That further investigation is warranted.

(b) If the Board deems further investigation is warranted, a committee including one or two Board members, appointed by the Chairman of the Board, shall participate in the investigation and make recommendations to the Board concerning its findings. At this time both parties will be notified of the action taken by the Board.

(c) Following review and investigation of a complaint, the committee may take any appropriate action, including:

(i) File a formal complaint with the Board on its own behalf and setting the matter for formal disciplinary proceedings;

(ii) Recommend to the Board that a letter of warning be issued;

(iii) Recommend to the Board that the complaint be dismissed.

(d) The Board may resolve any complaint at any time by:

(i) Sending a written letter of warning to an outfitter or professional guide;

(ii) Accepting a voluntary surrender of a license;

(iii) Accepting terms for a conditional license;

(iv) Dispensing with it in an informal manner; or

(v) Dismissal.

#### Section 4. Conduct of Investigation.

(a) The Chairman may select one or two members of the Board to work with the Board investigator in investigating the complaint to comprise a committee.

(b) The committee is empowered to conduct a full and complete investigation of a scope necessary to determine whether or not the allegations in the complaint are sufficient enough to warrant a formal proceeding.

(c) The committee may review documents and interview the complainant and other witnesses. The committee shall interview the licensee only if the licensee voluntarily agrees.

#### Section 5. Investigator's Report.

(a) Upon completing the investigation, the Board's investigator shall make a written report to the full committee setting forth the facts discovered. The investigator may make a recommendation to the full committee as to whether there is sufficient evidence to warrant a formal proceeding. The committee is not bound by the investigator's recommendation.

(b) Investigation files of any complaint which is pending are confidential and not public record.

Section 6. Informal Compliance Procedures.

(a) Upon notification of the findings of an investigation, a licensee may attend an informal compliance conference with the committee. The licensee may appear either with or without counsel. Notice of the compliance conference shall be mailed at least fifteen (15) days prior to the date of the conference. The purpose of the compliance conference will be to discuss informal settlement of the investigative matter.

(b) After review of the investigation and informal compliance conference, the committee shall proceed pursuant to Section 3 (c) as set forth in this Chapter.

(c) At any time before or after formal disciplinary proceedings have been instituted against a licensee, the licensee may submit to the Board an offer of settlement whereby, in lieu of formal disciplinary action by the Board, the licensee agrees to accept certain disciplinary actions. If the Board determines that the proposed settlement will adequately protect the public welfare, the Board may accept the offer and enter a decision that is consented to by the licensee and incorporates the proposed settlement.

Section 7. Formal Hearing Procedures. Formal proceedings for Board disciplinary action against a licensee shall be commenced by notice issued by the Board with an attached copy of a formal complaint, served in person or by certified mail, to the address last known to the Board. Notice of a formal disciplinary hearing shall be given at least thirty (30) days prior to the date set for the hearing. The notice and formal complaint shall set forth the following information:

(a) Statement of time, place and nature of hearing;

(b) Statement of legal authority and jurisdiction pursuant to which the hearing is being held;

(c) Statement giving reference to particular sections of the involved law;

(d) A statement, in ordinary and concise language, of the nature of the complaint filed with the Board, and the facts upon which the complaint is based; and

(e) That failure to respond to the complaint within twenty (20) days of its service may result in default.

Section 8. Default. The Board may enter an order based on the allegations of a complaint in any case where the licensee has not responded within twenty (20) days of the date of service of the notice and complaint, or in any case in which the licensee or the licensee's representative has not appeared at a scheduled hearing of which the licensee had notice.

Section 9. Motions. All motions made to the Board shall be made in writing five (5) days prior to the date set for hearing.

(a) The Board may, within its discretion and upon good cause shown, allow a motion to be filed at any time.

(b) For purposes of this rule, any request for settlement of a contested case shall be considered a motion before the Board.

Section 10. Docket.

(a) When formal proceedings are initiated and notice has been afforded, the case shall be assigned a number and entered upon a docket provided for such purpose by the Board.

(b) There shall be established a separate file for each docketed case, in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence and exhibits pertaining thereto, and all such items shall have noted thereon the docket number assigned and the date of filing.

Section 11. Hearing Officer. The Board may appoint or hire a hearing officer to take evidence at the hearing. A Board member may be the hearing officer. If the case is heard before the Board, the Chairman may preside.

Section 12. Discovery.

(a) In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act and the Wyoming Rules of Civil Procedure as may be applicable and not inconsistent with these rules.

(b) Requests for discovery from the Board shall be made in writing and directed to the hearing officer.

Section 13. Subpoenas.

(a) The Board or its hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents and other evidence, and shall have the power to administer oaths.

(b) Any party desiring the Board or its hearing officer to issue a subpoena to compel the appearance of a witness at any hearing shall make application.

(c) The affixing of the seal of the Board and the signature of the official custodian of the Board's records shall be sufficient attestation of the same.

(d) Service of a subpoena shall be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.

Section 14. Witnesses.

(a) All persons testifying at any hearing before the Board shall stand and be administered a standard oath.

(b) The party calling a witness shall bear the costs associated with the witness' appearance.

Section 15. Representation.

(a) Any licensee may represent himself or be represented by an attorney, provided that such counsel is licensed to practice law in this State, or is associated at the hearing with an attorney licensed to practice law in this State.

(b) A request for withdrawal from representation shall be made by the attorney in writing to the Board.

(c) In any case before the Board, an appearance in person or the filing of an answer shall constitute an appearance of record by an attorney.

(d) A representative of the Attorney General's Office shall present to the Board all matters set forth in the notice and complaint.

Section 16. Order of Procedure. As nearly as may be practicable hearings will be conducted in accordance with the following order of procedure:

(a) The presiding officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon the presiding officer shall direct the reading into the record of the notice given, and the complaint, together with appearance in the form of answers or other appearance made by the licensee, and shall note for the record all subpoenas issued and all appearances of record, including licensee and counsel. The reading of this information may be waived.

(b) Opening statements may be made by each of the parties. The time allowed for oral argument may be limited by the presiding officer.

(c) The attorney or representative of the State shall then present all evidence in support of the complaint. Witnesses may be cross-examined by the licensee or the attorney. All exhibits offered by the State shall be marked by letters of the alphabet beginning with "A".

(d) The licensee shall be heard in the same manner. Any exhibits presented by the licensee shall be marked numerically beginning with "1".

(e) The Board and presiding officer shall retain the right and opportunity to examine any witness upon the conclusion of all testimony offered by the witness.

(f) At the conclusion of the evidence, closing statements may be made by each of the parties. The time allowed for these statements may be limited by the presiding officer.

(g) After all proceedings have been concluded, the presiding officer shall dismiss and excuse all witnesses and declare the hearing closed. Any party who may desire to tender written briefs to the Board may do so. The Board or presiding officer may require written briefs. The presiding officer shall take the case under advisement and shall declare that the decision of the Board shall be announced within due and proper time following consideration of all of the matters presented at the hearing.

Section 17. Decision and Order. The Board shall, following the hearing, make and enter a written decision and order containing findings of fact, conclusions of law, and order, stated respectfully.

(a) The decision and order shall be sent by certified mail to the licensee and the licensee's attorney of record.

(b) This rule does not preclude the Board from giving preliminary, nonbinding notice to the parties prior to the issuance of the Board's written decision and order.

(c) Unless otherwise ordered by the Board, all decisions of the Board shall be effective as of the date of issuance of the written decision and order.

Section 18. Record of Proceedings.

(a) When the denial, revocation, or suspension of any license is the subject for hearing, it shall be regarded as a contested case and the proceedings, including all testimony, shall be reported verbatim by a court reporter or other competent means. If the transcript is prepared at the request of a party, the cost of the transcript shall be paid by the party making the request, unless the Board for a good cause shown waives assessment of such costs.

(b) The Board records in a contested case shall include the following:

- (i) All pleadings, motions, interlocutory rulings;
- (ii) Evidence received or considered;
- (iii) Statement of matters officially noticed;
- (iv) Objections and offers of proof and rulings thereon;
- (v) Proposed findings and exceptions;

(vi) All staff memoranda, other than privileged communications, of date submitted to the Board.

Section 19. Appeals.

(a) Appeals from decisions of the Board are governed by the Wyoming Administrative Procedures Act and the Wyoming Rules of Appellate Procedure.

(b) Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

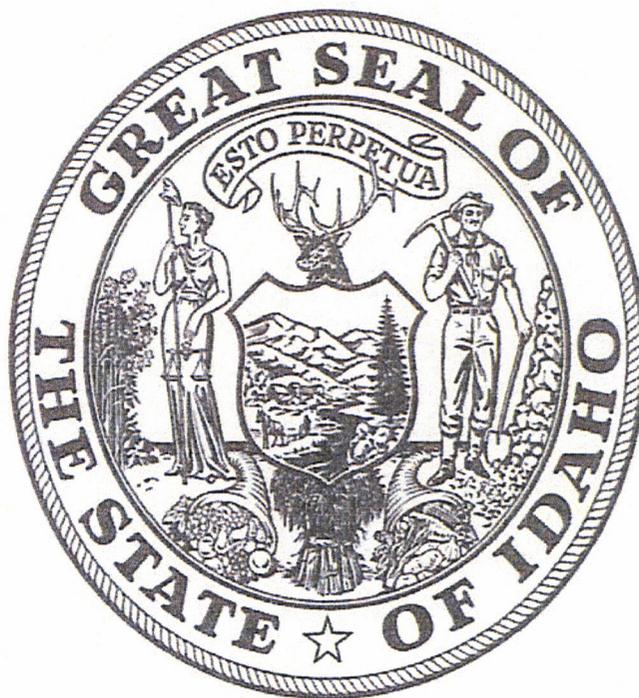
Section 20. Applicability of the Rules of Civil Procedure. The Wyoming Rules of Civil Procedure, insofar as they may be applicable and not inconsistent with the laws of this State and these Rules, shall apply in cases before the Board.

CHAPTER 5  
LICENSE FEES

Section 1. Fees Generally. License fees are:

- |   |       |
|---|-------|
| (a) Outfitter license fee:                    | \$600 |
| (b) Full Term Professional Guide license fee: | \$145 |
| (c) Temporary (14-day) Guide license fee:     | \$70  |
| (d) All fees are non-refundable.              |       |

OUTFITTERS AND GUIDES ACT AS AMENDED  
IDAHO CODE, TITLE 36, CHAPTER 21  
Applicable Sections of  
IDAHO CODE, TITLE 6, CHAPTER 12  
And Unofficial Rules of the IOGLB



Effective

July 1, 2010

1365 N. Orchard, Room 172, Boise, ID 83706  
Phone (208) 327-7380 Fax (208) 327-7382  
Enforcement (208) 327-7167  
[www.idaho.gov/oglb](http://www.idaho.gov/oglb)

**This Page Intentionally Left Blank**

TITLE 36 FISH AND GAME  
 CHAPTER 31 OUTFITTERS AND GUIDES

36-2101.	DECLARATION OF POLICY	4
36-2102.	DEFINITIONS	4
36-2103.	EXEMPTIONS	4
36-2104.	LICENSE A PREREQUISITE FOR OUTFITTING AND GUIDING	5
36-2105.	CREATION OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD	5
36-2106.	APPOINTMENT OF QUALIFICATIONS AND MEMBERS-ORGANIZATION OF BOARD	5
36-2107.	POWERS AND DUTIES OF BOARD	5
36-2108.	APPLICATION FOR LICENSE-CONTENTS-FEES- QUALIFICATIONS-TERM-BOND	6
36-2109.	FORM AND TERM OF LICENSE-NOTICE OF DENIAL	7
36-2110.	OPERATION OF LICENSEES-ADJUSTMENT OF AREA-RULES	8
36-2111.	DISPOSITION OF FUNDS-CONTINUING APPROPRIATIONS	8
36-2112.	LICENSED OUTFITTERS MAY ACT AS GUIDES	8
36-2113.	RECOVATION OR SUSPENSION OF LICENSE-GROUNDS	8
36-2114.	REVOCATION OR SUSPENSION OF REVIEW OF DENIAL OF LICENSE-PROCEDURE	9
36-2115.	REVIEW OF BOARD ACTION	9
36-2116.	COMPLIANT FOR VIOLATION PROSECUTION BY COUNTY ATTORNEY	9
36-2117.	PENALTY OF VIOLATIONS-PROSECUTING ATTORNEY TO PROSECUTE	9
36-2117A.	CIVIL PENALTY FOR VIOLATIONS	10
36-2118.	LICENSE FOR PREREQUISITE FOR RECOVERY OF COMPENSATION	10
36-2119.	BOARD ORDERS AND RULES	10

# IDAHO STATUTES

## TITLE 36 FISH AND GAME CHAPTER 21 OUTFITTERS AND GUIDES

36-2101.DECLARATION OF POLICY. The natural resources of the state of Idaho are an invaluable asset to every community in which they abound. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and nonresidents are enjoying the benefits of Idaho's recreational opportunities. The tourist trade is of vital importance to the state of Idaho, and the recreational value of Idaho's natural resources is such that the number of persons who are each year participating in their enjoyment is steadily increasing. The intent of this legislation is to promote and encourage residents and nonresidents alike to participate in the enjoyment and use of the deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources of Idaho, and the fish and game therein, and to that end to regulate and license those persons who undertake for compensation to provide equipment and personal services to such persons, for the explicit purpose of safeguarding the health, safety, welfare and freedom from injury or danger of such persons, in the exercise of the police power of this state. It is not the intent of this legislation to interfere in any way with the business of livestock operations, nor to prevent the owner of pack animals from using same to accommodate friends where no consideration is involved for the use thereof, nor is it the intent of this legislation to interfere in any way with the right of the general public to enjoy the recreational value of Idaho's deserts, mountains, rivers, streams, lakes, reservoirs and other natural resources when the services of commercial outfitters and guides are not utilized, nor to interfere with the right of the United States to manage the public lands under its control.

36-2102.DEFINITIONS. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof.

(b) "Outfitter" includes any person who, while engaging in any of the acts enumerated herein in any manner: (1) advertises or otherwise holds himself out to the public for hire; (2) provides facilities and services for consideration; and (3) maintains, leases, or otherwise uses equipment or accommodations for compensation for the conduct of outdoor recreational activities limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing on Idaho lakes, reservoirs, rivers and streams; and hazardous desert or mountain excursions. Any firm, partnership, corporation or other organization or combination thereof operating as an outfitter shall designate one (1) or more individuals as agents who shall, together with the licensed outfitter, be held responsible for the conduct of the licensed outfitter's operations and who shall meet all of the qualifications of a licensed outfitter.

(c) "Guide" is any natural person who is employed by a licensed outfitter to furnish

## IDAHO STATUTES

personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed. Any such person not employed by a licensed outfitter who offers or provides facilities or services as specified in subsection (b) of this section shall be deemed in violation of the provisions of this chapter, except: (1) any employee of the state of Idaho or the United States when acting in his official capacity, or (2) any natural person who is employed by a licensed outfitter solely for the following activities: caring for, grooming or saddling of livestock, cooking, woodcutting, and transporting people, equipment and personal property on public roads shall be exempt from the provisions of this chapter.

(d) "Board" means the Idaho outfitters and guides licensing board.

(e) "Resident" means a person who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license.

(f) "Nonresident" means any person not included in subsection (e) of this section.

(g) "License year" means that period of time beginning on the date an outfitter's or guide's license is issued and ending on the anniversary of the date of issuance in the following year.

(h) "Individual" means any person other than a partnership, corporation or any other organization or combination thereof.

36-2103.EXCEPTIONS. The foregoing definitions of the terms "outfitter" and "guide" will not apply to a person who furnishes, rents or leases, whether or not for compensation or gain or promise thereof, a pack or saddle horse, or other equipment, to a hunter or a fisherman. A person so furnishing, renting or leasing a pack or saddle horse or other equipment, shall not be considered an "outfitter" or "guide" if, on an incidental basis, they accompany a hunter, not to include extended camping, for the purpose of maintaining the safety and well-being of the livestock used to retrieve harvested big game. Additionally, the foregoing definition of "outfitter" and "guide" shall not apply to members of a nonprofit organization if the organization meets the following criteria: (i) it is exempt from the payment of federal income taxes under section 501(c)(3) of the Internal Revenue Code; (ii) its purpose is to provide outdoor experiences to young persons under twenty-one (21) years of age and to its leaders; and (iii) it provides outfitting and guiding services to its own bona fide members on a not for profit basis. If the members of the nonprofit organization provide outfitting or guiding services to persons who are not its members and leaders, the provisions of this chapter shall apply to that organization, its members and leaders.

36-2104.LICENSE A PREREQUISITE FOR OUTFITTING AND GUIDING. (1) It is a misdemeanor for any person to engage in the business of or act in the capacity of an outfitter or outfitting, or in the occupation of guiding, unless such person has first secured an outfitter's or guide's license in accordance with the provisions of this chapter, or for any person to knowingly and willingly conspire to violate the provisions of this chapter.

## IDAHO STATUTES

(2) It is a misdemeanor for any person to provide consideration or compensation for services requiring an outfitting or guiding license to another person, when such person providing consideration or compensation knows the person providing such services is not duly licensed as an outfitter or guide in accordance with the provisions of this chapter.

(3) Any person who shall violate the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, such person shall be punished as provided in section [36-2117](#), Idaho Code.

### 36-2105. CREATION OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD.

There is hereby created in the department of self-governing agencies the Idaho outfitters and guides licensing board, herein referred to as "the board," consisting of four (4) members appointed by the governor, and one (1) member appointed by the Idaho fish and game commission, as provided in section [36-2106](#), Idaho Code.

### 36-2106. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF BOARD.

One (1) member shall be a member of the Idaho fish and game commission, or a person selected by that body. Each appointment made by the fish and game commission shall be for a term of three (3) years. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resignation or removal of any but the member representing the fish and game commission the governor shall appoint a member to fill out the unexpired term as provided in this section. Immediately upon [the creation of a vacancy] one (1) of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified persons for each such vacancy created and the appointment to fill such vacancy shall be made by the governor from the names submitted within thirty (30) days after the receipt by the governor of the names submitted. All appointments to the board made after July 1, 1986, shall be subject to the advice and consent of the senate. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall be compensated as provided by section [59-509\(h\)](#), Idaho Code. The member representing the fish and game commission shall be paid by the fish and game commission.

36-2107. **POWERS AND DUTIES OF BOARD.** The board which may by written agreement authorize the bureau of occupational licenses as agent to act in its interest, shall have the following duties and powers:

- (a) To conduct examinations to ascertain the qualifications of applicants for outfitter's

## IDAHO STATUTES

or guide's licenses, and to issue such licenses to qualified applicants, with such restrictions and limitations thereon as the board may find reasonable.

(b) To prescribe and establish rules of procedure to carry into effect the provisions of this chapter including, but not limited to, rules prescribing all requisite qualifications of training, experience, knowledge of rules of governmental bodies, condition and type of gear and equipment, examinations to be given applicants, whether oral, written or demonstrative, or a combination thereof.

(c) To conduct hearings and proceedings to suspend, revoke or restrict the licenses of outfitters or guides, and to suspend, revoke or restrict said licenses for due cause in the manner hereinafter provided.

(d) The board is expressly vested with the power and the authority to enforce the provisions of this chapter including obtaining injunctive relief and to make and enforce any and all reasonable rules which shall by it be deemed necessary and which are not in conflict with the provisions of this chapter, for the express purpose of safeguarding the health, safety, welfare and freedom from injury or danger of those persons utilizing the services of outfitters and guides, and for the conservation of wildlife and range resources.

(e) The board shall have the power to cooperate with the federal and state government through its appropriate agency or instrumentality in matters of mutual concern regarding the business of outfitting and guiding in Idaho.

(f) The board shall have the power throughout the state of Idaho to request the attendance of witnesses and the production of such books, records and papers as may be required at any hearing before it. The board or its hearing officer may issue and serve subpoenas or subpoenas duces tecum in a manner consistent with [chapter 52, title 67](#), Idaho Code, the rules of the office of the attorney general, and rules 45(e)(2) and 45(g) of the Idaho rules of civil procedure. Payment of fees or mileage for service of subpoenas or attendance of witnesses shall be paid by the board consistent with the provisions of [chapter 52, title 67](#), Idaho Code, the rules of the office of the attorney general, and rule 45(e)(1) of the Idaho rules of civil procedure. Disobedience of a subpoena or subpoena duces tecum may be enforced by making application to the district court. Disobedience by a licensee of a subpoena or subpoena duces tecum issued by the board shall be deemed a violation of a board order.

(g) The board shall have the power to appoint an executive director to serve at the pleasure of the board. The executive director shall carry out such administrative duties as delegated to the director by the board. The board may, in its discretion, refuse, sustain or reverse, by majority vote, any action or decision of the executive director. The executive director shall be exempt from the provisions of [chapter 53, title 67](#), Idaho Code, and shall receive a salary that is fixed by the board.

(h) The board shall have the power to hire enforcement agents in order to conduct investigations and enforce the provisions of this chapter. All enforcement agents appointed by

## IDAHO STATUTES

the board who are certified by the Idaho peace officer standards and training advisory council, shall have the power of peace officers limited to:

1. Enforcement of the provisions of this chapter.
2. Responding to express requests from other law enforcement agencies for aid and assistance in enforcing other laws. For purposes of this section, such a request from a law enforcement agency shall mean only a request as to a particular and singular violation or suspicion of violation of law, and shall not constitute a continuous request for assistance outside the purview of enforcement of the provisions of this chapter.

(i) By August 1 of each year, the board shall provide to the director of the department of fish and game, in a manner and form prescribed by the director, the number of each species of big game taken in each management unit by clients of licensed outfitters between July 1 of the immediately preceding calendar year and June 30 of the current calendar year.

(j) The board shall by rule designate the number of deer or elk tags allocated pursuant to section 36-408(4), Idaho Code, among the authorized operating areas within the game management area, unit or zone.

36-2108. APPLICATION FOR LICENSE -- CONTENTS -- FEE -- QUALIFICATIONS -- TERM -- BOND. (a) Each applicant for an outfitter's or guide's license shall make application for such license upon a form to be prescribed and furnished by the board.

1. All applications for an outfitter's license shall be signed by the applicant, under oath or affirmation that all information supplied by him in the application form is true and correct as he verily believes and shall be duly notarized. Such applications shall include, but are not limited to, a worded description of the boundaries of the operating area in which such activity will be conducted.

2. All applications for a guide's license shall be signed by the applicant. Such application shall contain the written endorsement of the outfitter(s) by whom the applicant will be employed.

(b) Applications shall be made to and filed with the board and, unless arrangements have been made otherwise with the board, accompanied by proof of eligibility for a bond payable to the person or persons employing the licensee and in a form approved by the board in the sum of ten thousand dollars (\$10,000) for outfitters, to be executed by a qualified surety, duly authorized to do business in this state, conditioned that for the current license year said applicant, his agents and employees, if said license is issued to him, shall conduct his business as an outfitter without fraud or fraudulent representation, and will faithfully perform his contracts with and duties to his patrons; said bond shall be filed with the board before issuance of the license as provided herein.

(c) The board, in its discretion, may make such additional investigation and inquiry relative to the applicant and his qualifications as it shall deem advisable, provided that final decision by the board upon an application submitted by an applicant who has held during the

## IDAHO STATUTES

preceding license year a license of the same kind for which application is made, and upon an application submitted by an applicant not holding during the preceding license year a license of the same kind or embracing the same activity(ies) or area for which application is made, shall be made not later than the end of the license year in which the board receives all materials required to be submitted in order to complete a license application or ninety (90) days from the date the board receives all such materials, whichever is later.

(d) The applicant shall pay license, penalty, amendment and application fees to the board as hereinafter provided:

1. The license fee shall be paid prior to the issuance of a license.
2. The license fee shall be used for the investigation of applicants, for enforcement of this chapter, and for the administration costs of the board.
3. The license fee for outfitters for the 2005 license year shall be three hundred dollars (\$300) for online licensing and three hundred fifty dollars (\$350) for offline licensing; for the 2006 license year it shall be three hundred twenty-five dollars (\$325) for online licensing and three hundred seventy-five dollars (\$375) for offline licensing; for the 2007 license year it shall be three hundred fifty dollars (\$350) for online licensing and four hundred dollars (\$400) for offline licensing; for the 2008 license year it shall be three hundred seventy-five dollars (\$375) for online licensing and four hundred twenty-five dollars (\$425) for offline licensing; for the 2009 license year, and for each year thereafter, it shall be four hundred dollars (\$400) for online licensing and four hundred fifty dollars (\$450) for offline licensing; the license fee for a designated agent as defined in section 36-2102(b), Idaho Code, for the 2005 license year shall be one hundred twenty dollars (\$120) for online licensing and one hundred forty dollars (\$140) for offline licensing; for the 2006 license year it shall be one hundred twenty-five dollars (\$125) for online licensing and one hundred fifty dollars (\$150) for offline licensing; for the 2007 license year it shall be one hundred thirty dollars (\$130) for online licensing and one hundred sixty dollars (\$160) for offline licensing; for the 2008 license year, and for each year thereafter, it shall be one hundred forty dollars (\$140) for online licensing and one hundred sixty dollars (\$160) for offline licensing; and the license fee for guides for the 2005 license year shall be ninety-five dollars (\$95.00) for online licensing and one hundred five dollars (\$105) for offline licensing; for the 2006 license year it shall be ninety-five dollars (\$95.00) for online licensing and one hundred ten dollars (\$110) for offline licensing; for the 2007 license year it shall be one hundred dollars (\$100) for online licensing and one hundred fifteen dollars (\$115) for offline licensing; for the 2008 license year, and for each year thereafter, it shall be one hundred five dollars (\$105) for online licensing and one hundred fifteen dollars (\$115) for offline licensing.
4. A penalty fee in the amount of fifty dollars (\$50.00), which shall increase to one

## IDAHO STATUTES

hundred fifty dollars (\$150) beginning January 1, 2005, may be charged in addition to the regular outfitter's license fee for any such renewal applicant whose application is not complete by the end of the outfitter's license year; this does not apply to a new applicant for an outfitter's license.

5. A seventy-five dollar (\$75.00) fee, which shall increase to two hundred dollars (\$200) beginning January 1, 2005, shall be charged for every amendment to an outfitter's license other than a minor amendment, a ten dollar (\$10.00) fee, which shall increase to thirty-five dollars (\$35.00) beginning January 1, 2005, shall be charged for every minor amendment to an outfitter's license, and a ten dollar (\$10.00) fee, which shall increase to twenty dollars (\$20.00) beginning January 1, 2005, shall be charged for every amendment to the license of a designated agent or guide.

6. The following fees shall be established annually by the board and shall be used for application related expenses: a one-time application fee for outfitters not to exceed four hundred dollars (\$400); a one-time application fee for designated agents not to exceed fifty dollars (\$50.00); and a one-time application fee for guides not to exceed ten dollars (\$10.00), the maximum of which shall increase to twenty dollars (\$20.00) beginning January 1, 2005. The board shall establish by rule a policy to refund unused application fees and shall establish by rule fees for expedited, exceptional, resubmittal or emergency processing of license applications, a fee credit for electronic filing of applications and a fee for the use of credit cards corresponding to the cost to the agency of processing the card use.

36-2109.FORM AND TERM OF LICENSE -- NOTICE OF DENIAL. (a) Upon concurrence of a majority, the board, in its discretion may issue a license to any applicant who has filed an application in proper form with the board including, but not limited to, payment of the license fee and furnishing of bond. Said license shall be in the form prescribed by the board, shall be valid for the year issued from the date issued and shall expire on March 31 of the following year; provided, that no outfitter's or guide's license may be sold, assigned or otherwise transferred either by any holder thereof or by the operation of law except as provided in this chapter. The board may prescribe by rule that limitations or qualifications placed upon an outfitter's or guide's license as provided in this chapter shall be indicated on the face of the license or as an attachment to the license which shall be considered a part of the license.

(b) A license granted by the board including any attachment thereto shall specify the activities licensed and the exact territorial limits of the outfitter's area of operation and shall specify the species of game to be hunted. In so approving and/or licensing any outfitter's or guide's activity, the board shall consider the following matters, among others:

1. The length of time in which the applicant has operated in that area;
2. The extent to which the applicant is qualified by reason of experience, equipment or resources to operate in that area;

## IDAHO STATUTES

3. The applicant's previous safety record;
4. The accessibility of the area, the particular terrain and the weather conditions normal to that area during the outfitter's or guide's season;
5. The total amount of outfitter's area requested by any applicant giving due consideration to the effect that such area license grant would have upon the environment, the amount of game that can be harvested, and the number of persons that can be adequately served in the area.

(c) The board shall refuse to issue any license to any applicant for an outfitter's or guide's license who the board finds is not a competent person of good moral character, less than eighteen (18) years of age and does not possess a working knowledge of the game and fishing laws of the state of Idaho and the regulations of the United States forest service. The board shall also refuse to issue an outfitter's license to any applicant who the board finds does not have sufficient financial responsibility to conduct adequately the business of an outfitter. The board shall refuse to issue any license to a firm, partnership, corporation or other organization or any combination thereof that fails to have at least one (1) designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter. The board may also refuse to grant an outfitter's or guide's license to any applicant for violation of any of the provisions hereinafter specified in this chapter as grounds for revocation or suspension of an outfitter's or guide's license. If the application is denied, the board shall notify the applicant, in writing, of the reasons for such denial within ten (10) days and if the applicant shall correct, to the satisfaction of the board, such reasons within thirty (30) days of receipt of such notice and if, thereafter, a majority of the board concur, the board may issue a license to the applicant.

(d) No license shall be issued by the board until a majority thereof has reported favorably thereon; except, an application for a license identical to a license held during the previous year may be issued on approval by one (1) board member providing there is no adverse information on file regarding the applicant.

36-2110. OPERATIONS OF LICENSEES -- ADJUSTMENT OF AREA -- RULES. (a) Possession of a valid license issued by the board shall be a prerequisite to acting as an outfitter or guide.

1. No more than one (1) person may operate as an outfitter or guide under one (1) license.
2. The operating area as set forth on the outfitter's license including any attachment thereto shall be the limit of such operations for each licensee, subject to subsection (b) below.

(b) The board may adjust the territorial scope of operations of any licensed outfitter, for reasons of game harvest, where territorial conflict exists, or for the safety of persons utilizing the services of outfitters.

## IDAHO STATUTES

(c) The board shall adopt rules to carry out the provisions of this section.

36-2111.DISPOSITION OF FUNDS -- CONTINUING APPROPRIATION. All fees collected by the board under the provisions of this chapter shall be deposited with the state treasurer in a special fund, which fund is hereby created, and designated as the Idaho outfitters and guides board fund. All moneys deposited in such fund are hereby continually appropriated to the outfitters and guides board for the purpose of conducting all operations of the board.

36-2112.LICENSED OUTFITTERS MAY ACT AS GUIDES. Any natural person holding a current and valid outfitter's license may act as a guide without a guide's license if he possesses the qualifications of a guide as determined by the board.

36-2113.REVOCATION OR SUSPENSION OF LICENSE -- GROUNDS. (a) Every license shall, by virtue of this chapter, be subject to suspension, revocation, probation or other restriction by the board for the commission of any of the following acts:

1. For supplying false information or for failure to provide information required to be furnished by the license application form for a license currently valid or for other fraud or deception in procuring a license under the provisions of this chapter.
2. For fraudulent, untruthful or misleading advertising.
3. For conviction of a felony.
4. For two (2) or more forfeitures of any deposits of money or collateral with a court or administrative agency or for a conviction for violation of regulations of the United States forest service or the bureau of land management.
5. For unethical or unprofessional conduct as defined by rules of the board.
6. For conviction of any violation of any state or federal fish and game or outfitting and guiding laws.
7. For a substantial breach of any contract with any person utilizing his services.
8. For willfully (i) operating in any area for which the licensee is not licensed, or (ii) engaging in any activity for which the licensee is not licensed.
9. For the employment of an unlicensed guide by an outfitter.
10. For inhumane treatment of any animal used by the licensed outfitter or guide in the conduct of his business which endangers the health or safety of any guest or patron or which interferes with the conduct of his business.
11. For failure by any firm, partnership, corporation or other organization or any combination thereof licensed as an outfitter to have at least one (1) licensed outfitter as designated agent conducting its outfitting business who meets all of the qualifications and requirements of a licensed outfitter.
12. For the failure to provide any animal used by the licensed outfitter or guide in the conduct of his business with proper food, drink and shelter, or for the subjection of any such animal to needless abuse or cruel and inhumane treatment.
13. For failure of an outfitter to serve the public in any of the following ways: (i) by

## IDAHO STATUTES

nonuse of license privileges as defined by rules of the board, (ii) by limiting services to any individual, group, corporation or club that limits its services to a membership, or (iii) by not offering services to the general public.

14. For violation of or noncompliance with any applicable provision of this chapter, or for violation of any lawful rule or order of the outfitters and guides board.

(b) For the purposes of this section, the term "conviction" shall mean a finding of guilt, an entry of a guilty plea by a defendant and its acceptance by the court, or a forfeiture of bail bond or collateral deposited to secure a defendant's appearance, suspended sentence, probation or withheld judgment.

(c) In addition to the penalties imposed in this section, the board may impose an administrative fine not to exceed five thousand dollars (\$5,000), or the administrative costs of bringing the action before the board including, but not limited to, attorney's fees and costs of hearing transcripts, for each violation of the provisions of this chapter.

(d) The jurisdiction and authority of the board pursuant to this section and section [36-2114](#), Idaho Code, extend to any former licensee for a violation of this section which occurred during the period of licensure.

**36-2114.REVOCATION OR SUSPENSION OF LICENSE -- REVIEW OF DENIAL OF LICENSE -- PROCEDURE.** (a) Proceedings for the revocation or suspension of a license issued hereunder may be taken upon information and recommendation of any person. All accusations must be made in writing and signed by a person familiar therewith and submitted to the board. Thereupon, the board, acting as a board, or through its executive director, shall make a preliminary investigation of all facts in connection with such charge. The board in its discretion may either decide to take no further action and the results of such investigation shall be subject to disclosure according to [chapter 3, title 9](#), Idaho Code, or the board may decide to initiate proceedings to suspend or revoke the license of the outfitter or guide against whom a complaint has been filed, in which case the board shall set a time and place for hearing as provided in [chapter 52, title 67](#), Idaho Code. Notice of such hearing shall be given to the licensee against whom a citation or formal complaint has been filed not later than one hundred eighty (180) days after the filing of such citation or formal complaint. If, after full, fair and impartial hearing, the majority of the board shall find the accused has committed the violations alleged, the board may suspend the license for a period not to exceed one (1) year, or the board may order the license revoked. The board shall forthwith suspend or revoke such license in accordance with and pursuant to its order under the procedure established in [chapter 52, title 67](#), Idaho Code.

(b) Any applicant aggrieved by a denial of his application in whole or in part for an outfitter's or guide's license by the board shall have twenty-one (21) days from the day of receiving such notice of denial in which to submit a written request for a hearing before the board to review such action. Upon receipt of such request, the board shall hold a hearing as

## IDAHO STATUTES

provided in [chapter 52, title 67](#), Idaho Code.

36-2115. REVIEW OF BOARD ACTION. Any person aggrieved by any action of the board in denying the issuance of or in the suspension or revocation of an outfitter's or guide's license may proceed as provided in [chapter 52, title 67](#), Idaho Code.

36-2116. COMPLAINT FOR VIOLATION -- PROSECUTION BY COUNTY

ATTORNEY. (a) The board or its designated agent may prefer a complaint before any court of competent jurisdiction in the county where the offense occurred, for a violation of: (i) the provisions of subsections (1), (2), (7), (8), or (9) of section [36-2113](#), Idaho Code; or (ii) any regulation promulgated pursuant to subsection (d) of section [36-2107](#), Idaho Code.

(b) Any person convicted of any violation enumerated in subsection (a) of section [36-2116](#), Idaho Code, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section [36-2117](#), Idaho Code. Fifty percent (50%) of all fines and forfeitures collected shall be paid to the outfitters and guides board and such moneys so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitters and guides board account and fifty percent (50%) of all fines and forfeitures collected shall be distributed in accordance with section [19-4705](#), Idaho Code.

36-2117. PENALTY FOR VIOLATIONS -- PROSECUTING ATTORNEY TO

PROSECUTE. (1) It shall be the duty of the prosecuting attorney of each county in the state to prosecute, in the county where the violation occurs, any person charged with violating the provisions of section [36-2104](#) or [36-2116](#), Idaho Code.

(2) Any person who pleads guilty or is found guilty of a first offense for violating the provisions of section [36-2104](#), Idaho Code, shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or by imprisonment in the county jail for a term not to exceed one (1) year, if other than a corporation, or by both such fine and imprisonment in the discretion of the court.

(3) Any person who pleads guilty or is found guilty of a second offense for violating the provisions of section [36-2104](#), Idaho Code, shall be punished by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five thousand dollars (\$5,000), or by imprisonment in the county jail for a term not to exceed one (1) year, if other than a corporation, or by both such fine and imprisonment in the discretion of the court.

(4) Any person who pleads guilty or is found guilty of a third or subsequent offense for violating the provisions of section [36-2104](#), Idaho Code, shall be punished by a fine of five thousand dollars (\$5,000), or by imprisonment in the county jail for a term not to exceed one (1) year, if other than a corporation, or by both such fine and imprisonment in the discretion of the court.

(5) Any person who pleads guilty or is found guilty of a violation of section [36-2116](#), Idaho Code, shall be guilty of a misdemeanor.

## IDAHO STATUTES

(6) All fines and penalties collected for violation of this section, under sentence or judgment of any court, shall be paid over by such court in the same manner as provided for in section 36-2116, Idaho Code. Such court shall also send to the Idaho outfitters and guides board a statement setting forth the title of the court and of the cause for which such moneys were collected, the name and residence of the defendant or defendants, the nature of the offense or offenses and the fine and the sentence or judgment imposed and such moneys so received by the board shall be deposited with the state treasurer and the state treasurer shall credit the same to the Idaho outfitters and guides board account in the dedicated fund. The court shall require any person violating the provisions of section 36-2104, Idaho Code, to reimburse the Idaho outfitters and guides licensing board or other city, county, state or federal agency for the employee costs and other costs incurred by the board or agency in the investigation and criminal prosecution of acts for violations of section 36-2104, Idaho Code.

(7) Any person who pleads guilty or is found guilty of violating the provisions of section 36-2104, Idaho Code, may, in the discretion of the court, have their license to hunt or take big game, or to fish, suspended for a period of time as determined by the court.

**36-2117A.CIVIL PENALTY FOR VIOLATIONS.** (a) The board or its designated agent may commence and prosecute in district court a civil enforcement action, including obtaining injunctive relief, against any person who is alleged to have violated this chapter or any rule promulgated pursuant to this chapter. The board shall not be required to initiate or prosecute an administrative action before commencing and prosecuting a civil action.

(b) No civil proceeding may be brought to recover for a violation of this chapter or any rule promulgated pursuant to this chapter more than two (2) years from the later of: the date the violation occurred or the date of the criminal conviction pursuant to section 36-2113, Idaho Code.

(c) The civil penalty for violation of the provisions of this chapter or any rule promulgated pursuant to this chapter shall not exceed five thousand dollars (\$5,000) for each separate violation.

(d) Any person who is found to have violated any provision of this chapter or any rule promulgated pursuant to this chapter shall be assessed the board's costs, including the reasonable value of attorneys' services, for preparing and litigating the case.

(e) Fifty percent (50%) of all moneys collected under this section shall be deposited with the state treasurer, and the state treasurer shall credit the same to the Idaho outfitters and guides board fund, and fifty percent (50%) of the moneys shall go to the general fund in the state operating fund.

**36-2118.LICENSE A PREREQUISITE FOR RECOVERY OF COMPENSATION.** No person engaged in the business, or acting in the capacity, of an outfitter or guide, as defined in this chapter, within this state shall bring or maintain any action in the courts of this state for the collection of compensation for the performance of any services as such outfitter or guide,

## IDAHO STATUTES

without alleging and proving that such person, partnership, or corporation was a duly licensed outfitter or guide at the time the alleged cause of action arose.

36-2119.BOARD ORDERS AND RULES. (a) All rules and orders adopted pursuant to the provisions of this chapter shall be made in accordance with chapter 52, title 67, Idaho Code.

(b) All rules and orders made as herein provided shall have full force and effect as law and any person violating any such rule or order of the board, adopted and published as herein set forth, shall be guilty of a misdemeanor.

## IDAHO STATUTES

### IDAHO STATUTES

<b>TITLE 6</b>	<b>12</b>
<b>6-1201. LEGISLATIVE PURPOSES</b>	<b>12</b>
<b>6-1202. DEFINITIONS</b>	<b>12</b>
<b>6-1203. DUTIES OF AN OFFICER</b>	<b>12</b>
<b>6-1204. DUTIES OF A GUIDE</b>	<b>12</b>
<b>6-1205. DUTIES OF PARTICIPANTS</b>	<b>12</b>
<b>6-1206. LIABILITY OF OUTFITTERS AND GUIDES</b>	<b>12</b>

**TITLE 6 - ACTIONS IN PARTICULAR CASES**  
**CHAPTER 12 - RESPONSIBILITIES AND LIABILITIES OF RECREATIONAL**  
**PARTICIPANTS AND OUTFITTERS AND GUIDES**

6-1201. Legislative purpose. Every year, in rapidly increasing numbers, the inhabitants of the state of Idaho and nonresidents are enjoying the recreational value of Idaho's mountains, rivers, and streams, many of which are remote and far removed for ordinary auto travel. The tourist trade is of vital importance to the state of Idaho, and the services offered by licensed outfitters and guides significantly contribute to the economy of the state of Idaho. The legislature recognizes that there are inherent risks in the recreational activities provided by outfitters which should be understood by each participant. These risks are essentially impossible to eliminate by outfitters and guides. It is the purpose of this chapter to define those areas of responsibility and affirmative acts for which outfitters and guides shall be liable for loss, damage, or injury, and to define those risks which the participant expressly assumes and for which there can be no recovery.

6-1202. Definitions. (a) "Outfitter" shall include any individual, firm, partnership, corporation, or other organization or any combination thereof as defined in section 36-2102(b), Idaho Code.

(b) "Guide" shall include any person defined in section 36-2102(c), Idaho Code.

(c) "Participant" shall include any person using the services of an outfitter or guide licensed under chapter 21, title 36, Idaho Code.

6-1203. Duties of an outfitter. All outfitters offering professional services in this state shall provide facilities, equipment, and services as advertised or as agreed upon between the outfitter and the participant. All services, facilities, and equipment provided by outfitters in this state shall conform to safety and other requirements set forth in chapter 21, title 36, Idaho Code, and by the rules promulgated by the Idaho outfitters and guides board created by chapter 21, title 36, Idaho Code.

6-1204. Duties of a guide. Any guide providing personal services for an outfitter in this state shall conform to the standard of care expected of members of his profession and he shall comply with all duties and requirements placed on him by chapter 21, title 36, Idaho Code, and by the rules promulgated by the Idaho outfitters and guides board created by chapter 21, title 36, Idaho Code.

6-1205. Duties of participants. It is recognized that some recreational activities conducted by outfitters and guides are hazardous to participants regardless of all feasible safety measures which can be taken. Participants shall have a duty to act as would a reasonably prudent man when engaging in recreational activities offered by licensed outfitters and guides in this state. Participants shall have a duty not to:

## IDAHO STATUTES

- (a) Do any act which shall interfere with the running or operation of an outfitter's or guide's activities, when such activities conform to the rules of the Idaho outfitters and guides board and to the requirements of chapter 21, title 36, Idaho Code;
- (b) Use any outfitter's or guide's equipment or facilities or services if the participant does not have the ability to use such facilities or equipment or services safely without instructions until the participant has requested and received sufficient instruction to permit safe usage;
- (c) Engage in any harmful conduct, or willfully or negligently engage in any type of conduct which contributes to or causes injury to any person;
- (d) Embark on any self-initiated activity without first informing the outfitter or guide of his intentions and receiving permission from the outfitter or guide to engage in such self-initiated activity.

6-1206. Liability of outfitters and guides. (a) No licensed outfitter or guide acting in the course of his employment shall be liable to a participant for damages or injuries to such participant unless such damage or injury was directly or proximately caused by failure of the outfitter or guide to comply with the duties placed on him by chapter 21, title 36, Idaho Code, or by the rules of the Idaho outfitters and guides board, or by the duties placed on such outfitter or guide by the provisions of this chapter.

(b) The limitations on liability created by this chapter shall apply only to outfitters or guides appropriately licensed under the provisions of chapter 21, title 36, Idaho Code, and only when the outfitter or guide is acting within the course of his employment. In the event that there is damage or injury to a participant by the action of an outfitter or guide, and there is no exemption for liability for such outfitter or guide under the provisions of this act, the rules of negligence and comparative negligence existing in the laws of the state of Idaho shall apply.

### IDAPA 25 TITLE 01 CHAPTER 01

#### 25.01.01 RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

000.	LEGAL AUTHORITY	15
001.	TITLE AND SCOPE	15
002.	DEFINITIONS	15
003.	QUALIFICATIONS	18

## IDAPA RULES

004.	LICENSE REQUIREMENTS	18
005.	LICENSE PRODUCTION	19
006.	FIRST AID KIT	19
007.	LICENSE RESTRICTIONS	19
008.	EMPLOYMENT OF OUTFITTERS	19
009.	RESERVED	20
010.	COMPLIANCE WITH LAWS	20
011.	PRIVATE MEMBERSHIP	20
012.	OUTFITTER RESPONSIBILITIES	20
013.	APPLI CATION FORMS	20
014.	RESIDENCY	20
015.	ANNUAL DATE, MULTIPLE YEARS, FEES, AND PAYMENT	20
016.	REFERENCE REQUIREMENTS	21
017.	REVIEW OF OUTFITTER APPLICATION	21
018.	NEW OUTFITTER OR OUTFITTER LICENSE AMENDMENT APPLICATION	21
019.	DESIGNATED AGENT	22
020.	EXAMINATION	22
021.	EVALUATION OF THE OUTFITTER APPLICATION	22
022.	ISSUANCE OF AN OUTFITTER LICENSE	23
023.	THIRD PARTY AGREEMENTS	23
024.	STANDARDS FOR NON-USE	23
025.	OUTFITTER RENEWAL	24
026.	OPERATING AREA ADJUSTMENTS	24
027.	OUTFITTER LICENSE TENURE	25
028.	OUTFITTER BUSINESS PURCHASE, LICENSE CONSIDERATIONS	25
029.	OUTFITTER LICENSE CANCELLATION	25
030.	OUTFITTER WAITING LISTS	25
031.	EXCEPTION TO GUIDE LICENSE REQUIREMENTS/CAMP HELPER, ETC.	26
032.	EMPLOYMENT BY OUTFITTER	26
033.	GUIDE QUALIFICATIONS	26
034.	GUIDE APPLICATION REQUIREMENTS-GENERAL	26
035.	GUIDE APPLICATION REQUIREMENTS-HUNTING	27
036.	GUIDE APPLICATION REQUIREMENTS – RIVERS, STREAMS OR LAKES	27

## IDAPA RULES

037.	BOATMAN LICENSE TRAINEES	27
038.	FLOAT BOAT GUIDE--UNCLASSIFIED RIVERS	28
039.	FLOAT BOAT GUIDE--CLASSIFIED RIVERS	28
040.	FLOAT BOATMAN QUALIFICATIONS-CLASSIFIED RIVERS	28
041.	FLOAT LEAD BOATMAN QUALIFICATIONS	28
042.	POWER BOAT GUIDE	29
043.	RESERVED	29
044.	SKIING, NON-HAZARDOUS AND HAZARDOUS TERRAIN OUTFITTER, DESIGNATED AGENT, SKI GUIDE AND SKI GUIDE TRAINEE	29
045.	RESERVED	30
046.	TECHNICAL MOUNTAINEERING/ROCK CLIMBING GUIDE	30
047.	SNOWMOBILING GUIDE	30
048.	POWER BOAT FISHING GUIDE—(LAKES AND RESERVOIRS)	30
049.	REPORTS	30
050.	GENERAL FISH AND GAME RULES	31
051.	PLACEMENT OF HUNTING CAMPS AND LEAVING OUTFITTER'S OPERATING AREA	31
052.	BOAT TRANSPORT OF HUNTING CLIENTS	31
053.	CONTROLLED HUNTS OUTSIDE OUTFITTER'S OPERATING AREA	31
054.	BOAT EQUIPMENT REQUIREMENTS	31
055.	BOATING CLIENT/GUIDE RATIO	32
056.	BOND REQUIREMENTS	32
057.	ALLOCATION OF DEER AND ELK TAGS	32
058.	NUMBER OF OUTFITTERS AND GUIDES LIMITED	32
059.	RIVER, LAKE AND RESERVOIR POWER, AND FLOAT OUTFITTER LIMITS	32
060.	SKIING	42
061.	TECHNICAL MOUNTAINEERING/ROCK CLIMBING	42
062.	TECHNICAL MOUNTAINEERING/ROCK CLIMBING-- EMERGENCY SUPPLIES	42
063.	SNOWMOBILING	42
064.	AUTHORIZATION FOR GRANTING, DENIAL AND REVOCATION OF LICENSES	43
065.	LICENSE AMENDMENTS	43
066.	RESERVED	44

## IDAPA RULES

<b>067.</b>	<b>INSPECTIONS</b>	<b>44</b>
<b>068.</b>	<b>ADMINISTRATIVE FINES/PROBATION/ RESTRICTIONS</b>	<b>44</b>
<b>069.</b>	<b>INSURANCE</b>	<b>45</b>
<b>070.</b>	<b>RESERVED</b>	<b>45</b>
<b>071.</b>	<b>BOARD MEETINGS</b>	<b>45</b>
<b>072.</b>	<b>ELECTION OF BOARD OFFICERS</b>	<b>45</b>
<b>073-999.</b>	<b>RESERVED</b>	<b>45</b>

# IDAPA RULES

## IDAPA 25 - IDAHO OUTFITTERS AND GUIDES LICENSING BOARD

### 25.01.01 - RULES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD

#### 000. LEGAL AUTHORITY.

Rules of the Idaho Outfitters and Guides Licensing Board have been promulgated in accordance with the Idaho Administrative Procedures Act and pursuant to authority granted in the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21). Pursuant to Section 36-2107, Idaho Code, the Board offices shall be located at 1365 N. Orchard, Suite 172, Boise, Idaho 83706. The Board's normal working hours are from 8 a.m. to 5 p.m. Mountain Time zone. The Board's telephone number is (208) 327-7380 and the FAX number is (208) 327-7382. The Board's website address is [www.oglb.idaho.gov](http://www.oglb.idaho.gov). The Board shall accept electronic signatures including facsimile signatures and other electronic signatures to the extent the Board's electronic equipment is able to receive and process such signatures. (3-29-10)

#### 001. TITLE AND SCOPE.

The purpose is: (7-1-93)

**01. Criteria.** To establish criteria, guidelines, and policies for the implementation, administration, and enforcement of the Act. (3-1-86)

**02. Uniform Standards.** To establish uniform standards for licensing outfitted and guided activities in Idaho in order to protect, enhance, and facilitate management of Idaho's fish, wildlife, and recreational resources. (3-1-86)

**03. Adequate Protection and Enhancement.** To provide for adequate protection and enhancement of public health, safety, welfare, and enjoyment from the use of Idaho's fish, wildlife, and recreational resources. (3-1-86)

**04. Other.** And for other purposes. (3-1-86)

**05. General.** The Outfitters and Guides Act and these rules apply to all those who for compensation provide facilities, equipment, or services for the conduct of hunting, fishing, boating, or hazardous excursions, whether the compensation is in the form of cash, goods, or services. (3-1-86)

#### 002. DEFINITIONS.

The Act defines certain terminology applicable to its interpretation and administration (Idaho Code 36-2102). Further definitions, for the purposes of these Rules are: (4-1-92)

**01. Act.** Shall mean Idaho Code, Title 36, Chapter 21, commonly known as the Outfitters

## IDAPA RULES

- and Guides Act, as amended. (4-1-92)
- 02. Administrative Noncompliance.** (3-10-03)
- a.** Two (2) or more repeated failures to apply for license renewal in a timely manner; or (3-10-03)
- b.** Two (2) or more repeated failures to file a complete application pursuant to Section 36-2113(a)(1), Idaho Code. (3-10-03)
- 03. Authorized Person.** An investigator or enforcement agent in the employ of the Board, a conservation officer of the Idaho Department of Fish and Game, or any local, state, or federal law enforcement officer. (4-1-92)
- 04. Board.** The Idaho Outfitters and Guides Licensing Board. (4-1-92)
- 05. Board Meeting.** The set schedule of meeting dates established for conduct of regular Board business on a calendar year basis. Additional meetings may be scheduled as necessary (See Section 071). (4-1-92)
- 06. Booking Agent.** Any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele. (4-1-92)
- 07. Compensation.** The receipt or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party shall not be deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (4-1-92)
- 08. Completed Application.** An application submitted for Board consideration which contains all of the material required to be submitted by the Board for that license category. (4-1-92)
- 09. Consideration.** The receipt or taking of goods, services, or cash in exchange for the provision of facilities and services in the conduct of outfitted or guided activities. (4-1-92)
- 10. Desert.** A region of scarce rainfall and vegetation in areas often having great differences between day, night and seasonal temperatures. A desert is a land surface ranging from level, plateau land, or undulating to sharply breaking hill-lands and sand dunes that, in addition, may be broken by poor to well-defined, deeply entrenched drainage systems, rims, cliffs, and escarpments. (4-1-92)
- 11. Designated Agent.** An individual who meets all qualifications for an outfitter's license who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations. A designated agent may act as a guide if he possesses the qualifications of a guide as determined by the Board. (Previously referred to as Managing Agent). (4-11-06)
- 12. Drift Boats.** Shall be substituted for and have the same meaning as "float boats" defined below. (4-1-92)

## IDAPA RULES

- 13. Enforcement Agent.** An individual employed by the Board having the power of peace officers to enforce the provisions of the Idaho Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and the Rules promulgated thereunder. (4-1-92)
- 14. Facilities and Services.** The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (4-1-92)
- 15. First Aid Card.** A valid card issued by the American Red Cross to denote the individual whose name and signature appear thereon has successfully completed an applicable Red Cross course and is qualified to render appropriate, minimal first aid as prescribed by the American Red Cross, or other valid evidence showing successful completion of an equivalent course conducted by an organization acceptable to the Board. (4-1-92)
- 16. Fishing.** Fishing activities on those waters and for those species described in the rules of the Idaho Department of Fish and Game, IDAPA 13.01.11, "Rules Governing Fish," general fishing seasons and any anadromous fishing rules; for purposes of the "Act," fishing is defined as follows: (4-1-92)
- a.** Anadromous fishing means fishing for salmon or steelhead trout. (4-1-92)
  - b.** Float boat fishing means the use of floatboats without motors for the conduct of fishing as a major activity on those waters open to commercial activities as set forth in Section 059. (4-1-92)
  - c.** Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures, as defined by Idaho Department of Fish and Game rules. (4-1-92)
  - d.** Incidental fishing means fishing conducted as a minor activity. (4-1-92)
  - e.** Power boat fishing means the use of power boats in conduct of fishing as a major activity on those Idaho waters open to commercial outfitting activities as set forth in Section 059. (4-1-92)
  - f.** Walk and wade fishing means fishing conducted along or in a river, stream, lake or reservoir, and may include the use of personalized flotation equipment, but does not include the use of watercraft. (4-1-92)
- 17. Float Boats.** Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (4-1-92)
- 18. Guide.** An individual who meets the criteria as set forth in Idaho Code 36-2102(c), and has further met the required qualifications as prescribed in the Rules to provide professional guided services to clientele in the pursuit and conduct of licensed activities. (4-1-92)

## IDAPA RULES

- 19. Guide License.** A license issued by the Board to an individual who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities as defined in Idaho Code 36-2102(c). (4-1-92)
- 20. Hazardous Excursions.** Outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment that may constitute a potential danger to the health, safety, or welfare of participants involved. These activities shall include, but are not limited to: day or overnight trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, guiding courses, rescue courses, fishing courses, motored and non-motored cycling, wagon rides, sleigh rides, and dog sled rides. (3-29-10)
- 21. He/His/Him.** Shall mean either the male or female gender. (4-1-92)
- 22. Hunting.** The pursuit of any game animal or bird and all related activities including packing of client camp equipment, supplies, game meat and clients to and from a hunting camp. (3-30-01)
- 23. Incidental Activity.** Shall be and is the same as a minor activity. (4-1-92)
- 24. Minor Amendment.** All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (4-11-06)
- 25. Investigator.** An individual employed by the Board to monitor compliance with the provisions of the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and Rules promulgated thereunder and issue warning tickets for violations thereof. An investigator shall not have arrest powers nor any other power of a peace officer. (4-1-92)
- 26. Major Activity.** A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (4-1-92)
- 27. Major Amendment.** All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (4-1-92)
- 28. Minor Activity.** A licensed activity the nature of which must be carried out in conjunction with a major activity, but is not the primary purpose of the excursion. (3-15-02)
- 29. Mountainous.** A region receiving limited to abundant annual precipitation with an associated vegetative cover of grass, weeds, shrubs, or trees. Cool summer temperatures and cold winter temperatures prevail. A mountainous area is a land surface ranging from level to gently rolling low hills to elevated lands that are often broken with poor to well-developed, deeply entrenched drainage systems, rims, cliffs, and escarpments to steep-sided land masses of impressive size and height. (4-1-92)
- 30. New Opportunity.** A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past. (4-1-92)

## IDAPA RULES

31. **Nonresident.** An individual, corporation, firm, or partnership who is not a resident of the state of Idaho. (See "Resident"). (4-1-92)
32. **Operating Area.** The area assigned by the Board to an outfitter for the conduct of outfitting activities. (4-1-92)
33. **Operating Plan.** A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (See Subsection 018.03). (4-1-92)
34. **Outfitter.** An individual, corporation, firm, partnership, or other organization or combination thereof that meets the criteria as set forth in Idaho Code 36-2102(b), and has further met the required qualifications as prescribed in the Rules to conduct an outfitting business in Idaho. (4-1-92)
35. **Outfitter License.** A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in Section 36-2102(b), Idaho Code. The conduct of an outfitted operation on any land(s) is not authorized unless signed permission, a permit, or a lease is obtained from the land owner(s), or their agent(s), and filed with the Board. (3-15-02)
36. **Out-of-Pocket Costs.** The direct costs attributable to a recreational activity. Such direct costs shall not include: (4-1-92)
- a. Compensation for either sponsors or participants; (4-1-92)
  - b. Amortization or depreciation of debt or equipment; or (4-1-92)
  - c. Costs of non-expendable supplies. (4-1-92)
37. **Power Boats.** All motorized watercraft used on Idaho waters open to commercial outfitting activities as set forth in Subsections 059.01, 059.02 and 059.03 of these rules. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steerage. (4-1-92)
38. **Relinquishment of License Privileges.** The failure to re-apply at the expiration of a license; the loss through nonuse, inactivity, revocation, or voluntary surrender of a license; or other loss of license. (See Subsection 030.03). (3-23-98)
39. **Resident.** An individual, corporation, firm, or partnership who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license. (4-1-92)
40. **Rules.** The Rules of the Board. (4-1-92)
41. **Stay of Board Action.** An order, pursuant to Idaho Code 67-5215(c), stopping or delaying the enforcement of a Board decision, order or action. (4-1-92)
42. **Third Party Agreement.** The allowing of the conduct of an outfitted or guided activity by the outfitter licensed to conduct those activities by any persons not directly employed by said outfitter. (See Section 023). (4-1-92)
43. **Trainee.** A person not less than sixteen (16) years of age who does not possess the necessary experience or skill qualifications required to obtain a guide license, but who is

## IDAPA RULES

working toward obtaining the necessary experience or skill qualifications. This required training shall be recorded on a form provided by the Board. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. (5-1-95)

**44. Boat Trainee Under Supervision.** A boat trainee must be in a boat operated by a licensed boatman, or one in which the operation is closely monitored by a licensed boatman. The licensed boatman need not be in the same boat during training as long as the trainee's activity is closely monitored. (3-10-03)

**45. Unethical/Unprofessional Conduct.** Any activity(ies) by an outfitter or guide which is inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to:

- a. An outfitter employing an unlicensed guide; (3-30-01)
- b. Providing false, fraudulent or misleading information to the Board; (3-30-01)
- c. Failure to obey an order of the Board; (3-30-01)
- d. Failure to provide services as advertised or contracted; (3-30-01)
- e. Harassment of the public in their use of Idaho's outdoor recreational opportunities;(3-30-01)
- f. Violation of state or federal fish and game laws; (3-30-01)
- g. Engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed; (3-30-01)
- h. Disregard for the conservation, maintenance or enhancement of fish, game, land and water resources; (3-30-01)
- i. Failure to pay a supplier of goods or services to the outfitter business; (3-15-02)
- j. Failure to pay state taxes; or (3-15-02)
- k. Operating in a manner which endangers the health, safety, or welfare of the public.(3-30-01)
- l. Selling lifetime excursions, lifetime hunts, or selling of outfitted activities to an individual for the life of that individual and collecting fees accordingly. (4-11-06)

**46. Validated Training Form.** An approved form bearing the "Great Seal of the State of Idaho" and the official stamp of the Board affixed thereon. (4-1-92)

**47. Watercraft.** A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal flotation devices (PFD's), or similar devices. (4-1-92)

### **003. QUALIFICATIONS.**

An applicant for an outfitter and/or guide license must: (3-1-86)

**01. Age.** Be at least eighteen (18) years of age. (3-1-86)

**02. First Aid.** For a guide, or for an outfitter who wishes to guide, have a first aid card and be aware of general emergency procedures. (3-1-86)

**03. Knowledge.** Have extensive, first-hand knowledge of the area and/or waters and/or activities involved in his proposed operation. When the application includes big game hunting,

## IDAPA RULES

he must know the habits of the game sought and hunting techniques that are successful in the area, be able to care for meat and trophies, and be familiar with applicable game and firearm laws. (3-1-86)

### **004. LICENSE REQUIREMENTS.**

Idaho law (Title 36, Chapter 21, Idaho Code) requires that: (10-15-88)

**01. License.** An outfitter or guide license, or both, must be secured and in the possession of the licensee before commencing outfitting, guiding, or acting in any capacity as an outfitter or guide. The submission of a license application does not fulfill this requirement. (10-15-88)

**02. Activities.** An outfitter's license shall have set forth upon its face or an attachment thereto the operating area and the specific activities including client and harvest limitations or restrictions which the licensee is authorized to conduct. (3-23-98)

**03. Other.** A guide license shall specify the activities for which the licensee is qualified to guide. The licensee shall guide only within the operating area and for activities covered by the employing outfitter's license (see Section 032). The employing outfitter(s)' operating area description shall not be attached to a guide license. (10-15-88)

**04. Restrictions.** It is deemed unlawful and a misdemeanor for any person to: (10-15-88)

**a.** Engage in the occupation of guiding unless said person is employed by a licensed Idaho outfitter and possesses a valid guide license issued by the Board; or (10-15-88)

**b.** Knowingly and willingly conspire to violate the provisions of Title 36, Chapter 21, Idaho Code, or the rules promulgated thereunder. (10-15-88)

### **005. LICENSE PRODUCTION.**

A license must be in possession of the licensee while engaged in outfitting or guiding and must be produced upon the request of an authorized person. (5-1-95)

### **006. FIRST AID KIT.**

A first aid kit shall be present and available on every outfitted excursion. (5-1-95)

### **007. LICENSE RESTRICTIONS.**

A license issued by the Board shall, for an outfitter license, specify the operating area and all activities for which the outfitter is licensed; for a guide license, specify all activities for which a guide is qualified to guide and shall indicate the outfitter(s) who signed the guide license application as the employing outfitter(s); and identify such limitation(s) or qualification(s) as may be imposed by the Board in issuance of said license. (10-15-88)

**01. Restriction.** An outfitter shall not conduct any activities not specified on the outfitter license, nor operate in any area(s), nor on any water(s) for which he is not licensed. (10-15-88)

**02. Qualified.** All outfitters must be qualified to guide or have in their employment a licensed guide or guides who are qualified for the activity(ies) for which the outfitter is licensed. (10-15-88)

**03. Review.** An outfitter's qualifications to guide shall be reviewed by the Board and, if approved, he will be issued an outfitter and guide license at no additional fee. (10-15-88)

## IDAPA RULES

- 04. Guide Restrictions.** A guide shall not guide for any activity(ies), or on any water, or in any operating area for which his employing outfitter is not licensed. (5-1-95)
- 05. Qualifications.** The qualification(s) of an outfitter or guide licensee shall be determined in accordance with Title 36, Chapter 21, Idaho Code, and rules promulgated thereunder. (10-15-88)
- 06. Limitation.** A limitation in number of clientele served, operating area, or any other criteria affecting the safety, health, and welfare, of the public or viability of the fish, and wildlife, or other natural resources shall be imposed in licensing where such limitation is deemed necessary by the Board in accordance with Title 36, Chapter 21, Idaho Code, and these rules. (10-15-88)
- 07. Notification.** An outfitter shall notify the Board: (10-15-88)
- a.** When an outfitter permanently terminates the services of a licensed guide during the season, the Board shall be notified within fifteen (15) days, stating the date of termination. (10-15-88)
- b.** When an outfitter employs a licensed guide who is not currently licensed under his outfitter's license, said outfitter shall notify the Board within fifteen (15) days. (4-11-06)
- c.** The above requirements shall not apply in the case of a temporary employment, or short term "loan" or transfer (less than fifteen (15) days duration and not on a routine basis) of a guide between outfitters, or termination of employment of a guide upon completion of the seasonal activity for which the guide was employed. When there is a loan or transfer, the employing outfitter or authorized agent shall keep written documentation of the loan or transfer and dates and times. Repeated transfers or loans of guides are required to be done by using the amendment process. (4-11-06)
- d.** In addition, an outfitter may employ an individual to guide for ten (10) days or for one (1) excursion, whichever is less, using a letter of authorization provided by the Board. With the exception of a current first-aid card, the individual shall be otherwise fully qualified to provide guiding services in the area and for the activity guided. The employing outfitter shall certify to the Board prior to employment that the individual is qualified and may only use one (1) individual in this manner per license year. (4-11-06)
- 008. EMPLOYMENT OF OUTFITTERS.**  
An outfitter may guide for another outfitter or rent or lease equipment or services as follows: (10-15-88)
- 01. Other Outfitter.** An outfitter may guide for another outfitter when properly employed by that outfitter, provided that both the employee and employer licenses contain a statement indicating Board approval for such guiding to occur. (10-15-88)
- 02. Other.** If an outfitter is employed to guide activities not covered by his own guide license, he must first submit his qualifications to the Board for approval along with the certification required from the employing outfitter prescribed in Subsection 034.02. (10-15-88)
- 03. No Sharing of Profits.** While an outfitter is employed as a guide by another outfitter, there shall be no sharing of profits or equipment and/or animals other than leased equipment

## IDAPA RULES

and/or leased animals. An outfitter when employed as a guide may only render personal services as would any other guide. (10-15-88)

**04. Agreement.** When an outfitter utilizes equipment from another outfitter or a guide in the provision of facilities, services and transportation to clientele, a written notice of usage shall be filed with the Board including a current certificate or proof of non-owner liability insurance. (3-10-03)

**009. (RESERVED).**

### **010. COMPLIANCE WITH LAWS.**

All licensees must comply with all local, state, and federal laws; they must at all times cooperate fully with private landowners, public land management agencies, and/or stockmen and respect their rights and privileges; they must advise clients of all applicable conservation and game laws and must not condone or willfully allow their violation; they must report all violations to a law enforcement officer. In instances where violations of local, state, or federal laws have occurred, such violations will be handled in accordance with the following discretionary criteria: (3-1-86)

**01. Violations.** An applicant who has never held an outfitter or a guide license and who has been convicted of a violation of local, state, or federal law may be required to appear before the Board. Each such conviction will be appraised and a decision to approve or deny the application will be based upon the nature and the circumstances of the violation. (3-1-86)

**02. Examination by Board.** When a license holder is convicted of a violation of local, state, or federal law, the Board will examine the nature of the violation and the circumstances in determining whether or not a hearing shall be held for the purpose of restricting, suspending or revoking the outfitter or guide license or imposing an administrative fine for any violation. Any such violator may be required to appear before the Board before a license will be issued for the following year. (3-1-86)

### **011. PRIVATE MEMBERSHIP.**

An outfitter license shall not be issued to any individual, group, corporation, or club which limits its services to a membership or does not offer services to the general public. A group, corporation, or club formed in a manner so as to solicit participation from the general public and to provide services on a guided and/or paid basis beyond a sharing of expenses shall be required to comply with the provisions of the Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code). (3-1-86)

### **012. OUTFITTER RESPONSIBILITIES.**

An outfitter shall be responsible for: (9-1-90)

**01. Camps.** Maintaining neat, orderly, and sanitary camps at all times. (9-1-90)

**02. General.** Providing clean, fresh drinking water, protecting all food from contamination, and disposing of all garbage, debris, and human waste in the manner prescribed by regulations concerning use of private and public lands. (9-1-90)

## IDAPA RULES

**03. Livestock Facilities.** Ensuring that livestock facilities are kept separate from camp facilities, and that streams are protected from contamination. (9-1-90)

**04. Actions.** The actions of all guides, and other persons, while in the scope of their employment. (9-1-90)

**013. APPLICATION FORMS.**

The Board shall prescribe the form and content of applications for licenses and may require any information reasonably necessary to carry out the intent of the Act. Every section of the application must be completed in detail unless it does not apply to the type of license requested. The Board will not review incomplete applications. (10-30-73)

**014. RESIDENCY.**

An applicant for either an outfitter or a guide license shall declare a residency status and indicate such on the application. (3-1-86)

**015. ANNUAL DATE, FEES, AND PAYMENT.**

**01. Annual Dates.** (3-20-04)

**a.** All outfitter and designated license applications must be completed and received by the Board by January 31 of each year. (3-20-04)

**b.** All outfitter applications and designated agent applications received by the Board after January 31 that are not complete will be subject to special processing fees. (3-20-04)

**c.** The last day of the license year for all licenses is March 31 of each year. (3-20-04)

**d.** Guide license applications may be submitted at any time during the year. (3-20-04)

**02. Outfitter and Designated Agent Penalty Fee.** When a completed renewal application is filed with the Board after the last day of the license year, the following penalty shall apply: (4-11-06)

**a.** A completed application received by the Board the last day of the license year - no penalty fee shall apply. (4-11-06)

**b.** A completed application received by the Board after the last day of the license year - a penalty fee shall be paid before the license is issued. (4-11-06)

**03. License Lapsed and Relinquished.** A completed outfitter application received by the Board after ninety (90) days after the last day of the license year will not be accepted for licensure. The license will have lapsed and therefore is void and vacated. If a completed application is not received by the Board by ninety (90) days after the last day of the license year, the license is relinquished. (3-10-03)

**04. Refund of Unused One Time Application Fees.** All unused portions of one (1) time new outfitter, new designated agent, or new guide application fees shall be returned to the applicant. (3-19-99)

**05. Payment.** (4-11-06)

**a.** Prior to the issuance of a license, an applicant must submit the appropriate fee in the form of a certified check, cashier's check, money order, outfitter's company check or use of

## IDAPA RULES

- outfitter and designated agent credit cards. (4-11-06)
- b. The applicant must pay an annual license fee for each license issued, submit annual use reports for each license, and be able to differentiate between each business and its clients. (4-11-06)
- c. Designated Agents must pay an annual license fee for each license issued. (4-11-06)
- d. Guides must pay an annual license fee for a license but that license can be amended to include more than one (1) outfitter. (4-11-06)
- 06. Expedited or Emergency Application Fees.** The fee for expedited or emergency applications for which there is a request to have the application pulled forward before other applications and have it processed and a license issued within seven (7) days of receipt of the application shall be: (3-16-04)
- a. One hundred fifty dollars (\$150) for an outfitter license; (3-16-04)
- b. Seventy-five dollars (\$75) for a designated agent license; and (3-16-04)
- c. Fifty dollars (\$50) for a guide license. (3-16-04)
- 07. Resubmittal, Exceptional or Special Processing of Application.** The fee for resubmittal, exceptional or special processing of an application that is incomplete, or for other reasons for which the Board is otherwise unable to process the application shall be: (3-16-04)
- a. One hundred dollars (\$100) for an outfitter license; (3-16-04)
- b. Seventy-five dollars (\$75) for a designated license; (3-16-04)
- c. Fifty dollars (\$50) for a guide license; and (3-16-04)
- d. Five dollars (\$5) for allocation fee recovery. (3-16-04)
- 016. REFERENCE REQUIREMENTS.**
- When an outfitter applicant has not been licensed within the previous five (5) years, he must include as references: (5-1-95)
- 01. Five People.** The names and addresses of five (5) people, not related to the applicant, who have known him for at least five (5) years, three (3) of whom have knowledge of the applicant's qualifications to act as an outfitter; and two (2) of whom shall be bank or credit references. (5-1-95)
- 02. Two Recent Employers.** The applicant must also include the names and addresses of his two (2) most recent employers and dates of employment with each. (3-1-86)
- 017. REVIEW OF OUTFITTER APPLICATIONS.**
- An outfitter application requesting activities and operating areas identical to a license held the previous year will be reviewed thirty (30) days from the date all materials required for a complete application are received. An application requesting activities or areas in addition to those licensed the preceding license year, or an initial application, will be reviewed ninety (90) days from the date all materials are received. (3-10-03)
- 018. NEW OUTFITTER OR OUTFITTER LICENSE AMENDMENT APPLICATION.**
- In order to be complete, a new outfitter license or outfitter license amendment application, or

## IDAPA RULES

new landowner signoff in existing areas must, in addition to all other requirements: (3-15-02)

**01. Signed.** Be signed by the applicant. A new outfitter license application must be signed under oath before a notary public and be accompanied by a bond on a form approved by the Board. (3-23-98)

**02. Other Signatures.** Include the signatures of: (9-1-90)

**a.** The affected state and federal land managers in all areas where an outfitter plans to utilize lands administered by the state or federal government (this may involve memorandum of understanding procedures as applicable to proposed operation on national forest or public domain lands); and, (9-1-90)

**b.** Private land owners, or their agents, where an outfitter applicant proposes to use such private lands in his operation. (9-1-90)

**03. Operating Plan.** Include an operating plan. The operating plan shall include, among other things, the following: (9-1-90)

**a.** A list of the activities to be conducted in the operating area(s) requested. (9-1-90)

**b.** A detailed map showing the operating area(s) requested for each activity and a worded description of the boundaries of said operating area(s), described in terms of rivers, creeks, and ridges with prominent reference coordinates (section, township, and range). (9-1-90)

**c.** An outfitter whose operation is solely on rivers, streams, lakes or reservoirs should specify put-in and take-out points but need not send maps. (9-1-90)

**d.** A detailed description of how and when each operating area(s) will be used for each activity. (9-1-90)

**e.** The proposed number of guests intended to be accommodated for each activity within the proposed operating area(s). (9-1-90)

**f.** A list of the names and locations of camps that will be used for each activity, and whether on public or private land. (9-1-90)

**g.** A list of the basic equipment, facilities, and livestock, and proof of financial capability necessary to conduct the proposed outfitted activity or business. (9-1-90)

**h.** The number, title (guide, lead guide, etc.), and principal activities of individuals to be employed in the business operation. (9-1-90)

**i.** A plan to assure the safety and provide for emergency medical care of guests. (9-1-90)

**04. Hearing.** If more than one (1) applicant submits a complete application with landowner signoff(s), a hearing will be held to decide the successful applicant. (3-15-02)

**05. Existing Operating Area.** A licensed outfitter may be given priority for any opportunities within the outfitter's existing operating area boundaries. (3-15-02)

**019. DESIGNATED AGENT.**

When the applicant is a corporation, firm, partnership, or other organization or combination thereof, a supplemental form shall be completed and it shall designate at least one (1) designated agent who is a qualified outfitter who shall be responsible for the outfitting

## IDAPA RULES

business. The outfitter business and designated agent(s) must each make application and obtain licenses. Proof of a bond must be submitted to the Board to complete a renewal application. Any new applicant who has been approved by the Board must submit a bond prior to the issuance of a license. (4-11-06)

### **020. EXAMINATION.**

All new applicants applying for an outfitter or designated agent license will be required to take a written and/or oral examination on the Act, the rules, and general outfitting procedures. If the applicant fails the test, he may retake it after a fifteen (15) day waiting period. If he fails it a second time, the application for that license year will be denied due to an insufficient knowledge of matters essential to the conduct of an outfitter operation. (3-1-86)

### **021. EVALUATION OF THE OUTFITTER APPLICATION.**

In evaluating an outfitter application for approval or denial, the Board shall consider, but not be limited to, the following criteria: (3-1-86)

**01. Compliance.** Applicant compliance with qualification criteria as prescribed in the Act and the rules. (3-1-86)

**02. Need for Services.** The public need for the proposed service(s) in the area requested on the application. (3-1-86)

**03. Other.** The extent of the applicant's experience, knowledge, and ability in the area and in the conduct of activities requested. (3-1-86)

**04. Equipment and Resources to Operate.** The applicant's qualifications by reason of equipment or resources to operate. (3-1-86)

**05. Previous Record.** The applicant's previous record. (3-1-86)

**06. Accessibility of Area.** The accessibility of the area and use by the general public, the commercial use already licensed in the area, the particular terrain, and normal weather conditions during the season of operation. (3-1-86)

**07. Area Requested.** The total amount of area requested, giving due consideration to the effect such license would have upon the environment, the amount of game available to be harvested, the probable impact on the area should additional licenses be issued, and the number of persons who can be adequately served in the area. (3-1-86)

**08. Operating Plan.** The adequacy and acceptability of the proposed operating plan. (3-1-86)

**a.** The applicant's knowledge of financial and business management needs and practices. (3-1-86)

**b.** The applicant's ability to manage and direct personnel and guests. (3-1-86)

**09. Name.** The name registered as a d.b.a. (doing business as), or the name of the business entity, registered with the Secretary of State. (4-11-06)

### **022. ISSUANCE OF AN OUTFITTER LICENSE.**

When the Board issues an outfitter license, said license shall specify the activity(ies) for which the applicant is licensed, designate specific operating area(s) for each activity, and be based on

## IDAPA RULES

an operating plan acceptable to the Board. In order to safeguard the health, safety, and welfare of the public and for the conservation of wildlife resources, the Board may place a limit on the number of outfitter licenses issued within an operating area. An outfitter may not operate in an area for which there is no landowner or land manager statement where applicable. The outfitter shall operate only under the names licensed by the Board and under no other names. An outfitter business that is a corporation, partnership, LLC or LLP must have a Designated Agent in order to be licensed and to operate. (4-11-06)

### **023. THIRD PARTY AGREEMENTS.**

An outfitter shall not sublet or enter into any third party agreements involving the use of his activity(ies), operating area(s), or license. (10-15-88)

**01. Employed.** No licensed outfitter shall allow any person to conduct any of the activities for which he is licensed unless said person is employed directly by the outfitter as a guide. (10-15-88)

**02. No Activities.** No person shall conduct any outfitted activities for or on behalf of a licensed outfitter unless said person is directly employed as a guide by the outfitter to whom the operating area(s) and activity(ies) are licensed. (10-15-88)

**03. Other Activities.** Any arrangement wherein an outfitter licensed to conduct outfitted activity(ies) in an operating area(s) knowingly allows, condones, or otherwise abets and supports the conduct of outfitting activity(ies) by another, wherein said outfitter does not assume full and complete responsibility for all clients booked for such activity(ies), shall constitute an unlawful third party agreement. Complete responsibility includes providing liability insurance to cover the client, collection of fees paid for the activity(ies), payment of user fees and taxes, and making the client aware as to who is the responsible outfitter(s). Such unlawful activity(ies) shall be grounds for discipline as unethical and unprofessional conduct in addition to any other penalties which may be assessed for violations of these rules or the laws of the state of Idaho. (10-15-88)

**04. Booking Agent.** This Rule shall not be deemed to apply to the conduct of a booking agent nor to an agreement between two (2) or more outfitters in which the outfitters provide services to the same party or parties within their respective operating areas. (10-15-88)

### **024. STANDARDS FOR NON-USE.**

An outfitter license is a publicly issued license enabling the holder to provide outfitted and guided services to the public. Because many outfitters operate on public lands and waters, there is an expectation that these services be provided adequately and that the public's natural resources are utilized appropriately. It is important to determine whether the outfitter is providing, or attempting to provide, the public service intended. It is recognized that there are various factors outside the control of an outfitter that may affect an outfitter's business operation. These rules establish the process used by the Board to monitor the use of outfitter assigned activities and operating areas, to determine the causes for outfitter inactivity, and to

## IDAPA RULES

fairly administer identified remedies when this service is inadequately provided or the resource is inadequately used. The Board will prioritize the need for action on non-use based on, among other factors, interest or demand for the particular activity or area. (4-11-06)

**01. Requirement.** The Board may annually review the outfitter's use reports for the preceding three (3) years to determine whether any licensed activity or operating area fall within non-use. If the outfitter falls within non-use, a "notice of non-use" may be issued to the outfitter. (4-11-06)

**02. Definitions.** (4-11-06)

**a.** Non-use. When an outfitter is making zero (0) or negligible use of major licensed activities for any two (2) of the three (3) preceding years unless the lack of use is due to an act of nature or because of state or federal agency restrictions on hunting or fishing that limit the ability of the outfitter to seek and accommodate clients; (4-11-06)

**b.** Zero (0) use. No recorded use by an outfitter of their licensed area or activities; (4-11-06)

**c.** Negligible use. An unreasonable lack of use as determined by the Board for any one (1) or more of the particular activities in the assigned operating area. Typically, use may be determined by comparison of use levels for the same activity(s) in similar operating areas. Other factors in determining use are found in Subsection 024.04. (4-11-06)

**03. Process.** (4-11-06)

**a.** Outfitters are required to submit use reports each year during the license renewal. (4-11-06)

**b.** A "notice of non-use" may be issued to an outfitter who appears to be in non-use. The notice shall include the activity(s) and operating area(s) that appear to be in non-use and an explanation of how the determination was made. The outfitter will be given the opportunity to correct the use records by supplying staff with evidence of use, prior to a hearing being scheduled. If adequate proof of use is not provided, the matter will be scheduled for a hearing. (4-11-06)

**c.** When it is determined by the Board that any activity or operating area has had zero (0) use or negligible use, certain requirements may be imposed by the Board up to and including revocation of some or all of the outfitter's operating areas and activities. (4-11-06)

**04. Examples of Acceptable Use:** (4-11-06)

**a.** Paying clients participating in activities occurring within a designated operating area; (4-11-06)

**b.** Donated trips; (4-11-06)

**c.** Outfitter initiated applications for controlled hunts in their licensed operating area; (4-11-06)

**d.** Outfitter initiated applications for trophy species; and (4-11-06)

**e.** Use in conformance with a current and accepted operating plan. (4-11-06)

**05. Required Records.** Outfitters may be required to submit client records that include the name, address, and date of activity of individual clients or groups for a period of three (3) consecutive years. (4-11-06)

**06. Non-Use During a Sale.** Board staff shall review all full or partial business sales for non-use. If it is determined a major activity or operating area has had zero (0) or negligible

## IDAPA RULES

use, the Board may review the sale and the issuance of a license may be denied. In some instances the Board may approve the sale with notification to the buyer that use must be established within the following two (2) out of the next three (3) years or the area or activity may be removed from their license. (4-11-06)

**07. Waiver of Compliance.** The Board may waive compliance with the non-use standard upon a showing of good cause. Waivers of non-use may be issued when the lack of use is a result of an act of nature, or by state or federal agency seasonal restrictions on hunting or fishing that limit the ability of the outfitter to seek and accommodate clients. Waivers may also be considered when personal circumstances such as illness or injury limit the ability of the outfitter to seek and accommodate clients. Non-use waivers must be applied for prior to the beginning of the license year or immediately upon the advent of extenuating circumstances. If a federal permit holder is requesting zero (0) or negligible use, the request for a waiver must be accompanied by a Land Manager's Statement. (4-11-06)

**025. OUTFITTER RENEWAL.**

Every application for license renewal must include: (3-1-86)

**01. Operating Plan.** A proposed operating plan if any amendment to the existing operation is sought. (3-1-86)

**02. Use Report.** A use report for the preceding year which shall contain a report on the actual use during the preceding year. (3-1-86)

**026. OPERATING AREA ADJUSTMENTS.**

An outfitter's operating area may be adjusted for reasons of wildlife harvest, where territorial conflict exists, or for the safety of persons utilizing the services of outfitters. (10-15-88)

**01. Hearing.** If the Board determines that a hearing is necessary prior to the adjustment of a licensee's operating area, such hearing shall be conducted in accordance with the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code, and all affected parties shall be afforded an opportunity to participate. (3-30-01)

**02. Consideration.** In determining whether to adjust an operating area for reasons of wildlife harvest, the Board or the hearing officer shall consider, among other things, the following: (10-15-88)

- a. Any changes in wildlife harvest, including any increase or decrease in wildlife harvest attributable to the licensee's activity(ies). (10-15-88)
- b. Any new limitation(s) imposed or recommendation(s) made regarding wildlife harvest in the operating area(s) by any governmental agency since the issuance of the license. (10-15-88)
- c. Any environmental change(s) that have occurred in the operating area(s) that affect wildlife management. (10-15-88)
- d. Any undesirable wildlife impact(s) that may be ameliorated by a territorial adjustment. (10-15-88)

## IDAPA RULES

e. Any new information discovered since the issuance of the license regarding wildlife management in the operating area(s). (10-15-88)

**03. Consideration.** In determining whether to adjust an operating area for reasons of territorial conflict, the Board or the hearing officer shall consider, among other things, the following: (10-15-88)

a. Any incident(s) of territorial conflict and how they might be ameliorated by a territorial adjustment.

(10-15-88)

b. The extent of each licensee's legal use of the disputed area.

(10-15-88)

c. Any public or client safety concerns that might be ameliorated by or might arise from the inclusion of the disputed area as part of a particular licensee's operation.

(10-15-88)

d. Any environmental or operational factors that indicate which licensee will be able to make the best use of the disputed area in providing services to the public considering, among other things, each licensee's licensed activity(ies) and the relationship of that activity(ies) to the activity(ies) conducted in the disputed area, each licensee's total operating area, the financial stability of each licensee, and the accessibility of the disputed area from adjacent operating area(s).

(10-15-88)

e. Any recommendation(s) submitted by any governmental agency that regulates or manages land or wildlife within the disputed area.

(10-15-88)

**04. Safety Adjustment.** In determining whether to adjust an operating area for reasons of safety of persons using the services of an outfitter, the Board or hearing officer shall consider, among other things, the following:

(10-15-88)

a. Any change(s) in the environmental condition(s) in the area that may pose a threat to the health and safety of persons using the operating area.

(10-15-88)

b. Any change(s) in the manner or amount of public use of the operating area since the issuance of the license that may pose a threat to the health and safety of persons using the operating area.

(10-15-88)

c. Any change(s) in a licensee's manner of operation within the operating area that may affect clientele safety considering, among other things, change(s) in the condition(s) of the licensee's capability or equipment.

(10-15-88)

d. Any safety-related incident(s) that have occurred in the operating area.

(10-15-88)

e. Any safety concern(s) expressed by any governmental agency that regulates or manages land or wildlife within the operating area.

(10-15-88)

f. Any new information discovered since the issuance of the license regarding safety. (10-15-88)

### **027. OUTFITTER LICENSE TENURE.**

Tenure in any outfitter's operating area ceases with the expiration of his outfitter license at the end of the license period. Priority in the operating area may be maintained by submitting a complete application for a license for the ensuing license period before the expiration date of

## IDAPA RULES

the current license. If a completed application is not received by the Board within ninety (90) days following the end of the license period, the license is relinquished. (3-15-02)

### **028. OUTFITTER BUSINESS PURCHASE, LICENSE CONSIDERATIONS.**

**01. Transferability.** An outfitter license is not transferable. (3-15-02)

**02. Issuance to Purchaser.** The purchase of an outfitting business from a licensed outfitter does not require the Board to transfer the operating area(s) of the licensee to the purchaser or to issue to him an outfitter license; however, an applicant who has negotiated a purchase agreement with a licensee may be given priority for a license if he meets all other outfitter requirements. (3-15-02)

**03. Notification to Clients.** When an existing operation is acquired by another outfitter, all clients who have booked with the original outfitter must be promptly notified. Each client must be satisfied with the new arrangements or his advance payment must be refunded. (3-15-02)

### **029. OUTFITTER BOND CANCELLATION.**

An outfitter or designated agent shall immediately notify the Board in the event their bond is cancelled. The cancellation of an outfitter license bond by the insurer automatically suspends the outfitter's license and the outfitter shall immediately cease operation. The license shall remain suspended until such time that the outfitter can demonstrate that the bond has been reinstated or a new bond issued and until the license is reinstated. Special processing fees will apply. If the bond is not reinstated within ninety (90) days, the license shall be relinquished. (3-29-10)

### **030. OUTFITTER WAITING LISTS.**

When there are more outfitter applications for an outfitter operating area than the maximum number of licenses allowing such activity, or when an individual wishes to be considered in an area to which another outfitter has historically been licensed, the Board shall maintain a list of such individuals for notification of an available opening. If there is no waiting list for an area, the Board may proceed with the license application or may employ a competitive application process. (4-11-06)

**01. Waiting List.** The waiting list will be maintained for each individual river, lake and reservoir outlined in Section 059 and for each specific Idaho Department of Fish and Game (IDFG) unit listed in IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho." (4-11-06)

**02. Outfitter Application or Outfitter Amendment Form.** A new outfitter application or outfitter amendment form must be completed and a partial application fee submitted for each river section, lake and reservoir and for each specific IDFG unit that the individual desires. The individual must indicate all activities for which they wish to be considered on the application form. (4-11-06)

**03. New Outfitter Waiting List Application Fee.** The Board will charge the individual wishing to be placed on a waiting list a partial application fee for each area for which they wish to be considered. (4-11-06)

## IDAPA RULES

**04. Length of Time Name Is on Waiting List.** A name on the waiting list shall be maintained for a period of five (5) years or until December 31 of the fifth year that the name is placed on the list, whichever comes first. (4-11-06)

**05. When Available Outfitting Opening Occurs.** When, or if, an available opening does occur and public announcement is made, the Board shall use the waiting list for direct notification by mail of interested parties, and shall select a qualified candidate from those who apply. Any person on the list who remains interested in obtaining a license following notification of availability must re-apply by submitting all necessary forms and fees during the open period as announced by the Board in order to have his application considered. (4-11-06)

**06. When an Operating Area Is Relinquished by the Licensee.** If an existing operating area (hunting, boating, or other) is relinquished by the licensee, the Board (if it deems it advisable to relicense the area) shall publicize the area's availability and accept written applications for a thirty (30) day period of time from the date of public notice from those persons wishing to be licensed to the area. The Board shall then consider the qualifications of all applicants and license the area to the candidate determined to be most qualified. Criteria to be used in making this selection shall include those criteria used to consider new outfitter applications or those criteria used to consider existing outfitters who wish to amend their licenses. (4-11-06)

**07. Availability.** The Board shall determine the availability of operating areas for relicensing by the beginning of each license year. (4-11-06)

### **031. EXCEPTION TO GUIDE LICENSE REQUIREMENTS/CAMP HELPER, ETC.**

A person whose sole responsibility is any one or a combination of the following shall not be required to have a guide's license: care, grooming and saddling of livestock, cooking or woodcutting at or within designated outfitter camps, or transporting people, equipment and personal property on public roads. (10-15-88)

### **032. EMPLOYMENT BY OUTFITTER.**

To be licensed, a guide shall be employed by a licensed outfitter. He shall: (10-15-88)

**01. Limitation.** Guide only those activities for which he is licensed. (10-15-88)

**02. Other.** Guide only in the operating area(s) and for those activities for which the employing outfitter is licensed. (10-15-88)

### **033. GUIDE QUALIFICATIONS.**

A guide license applicant shall meet all general requirements and criteria of the Act and rules, any specific requirements unique to his specialized field as identified below, and any other requirements which may be imposed by the Board or which may appear on the application form. (3-1-86)

### **034. GUIDE APPLICATION REQUIREMENTS - GENERAL.**

To be complete, an application for a guide license must: (4-1-92)

## IDAPA RULES

- 01. First Aid Card.** Be accompanied by an affidavit signed by the employing outfitter that the applicant will have a valid first aid card before they are employed as a guide. (4-11-06)
- 02. Signatures.** Have the signature of the applicant and of the licensed outfitter(s) who wishes to employ the applicant as a guide, who shall certify that the applicant: (4-1-92)
- a.** Is qualified to perform the type of guiding activity(ies) for which the applicant seeks licensing; i.e., hunting, boating, skiing, or other as may be applicable. (4-11-06)
  - b.** Has extensive, first-hand knowledge of the operating area(s) and water(s) in or on which the applicant will be guiding. (4-11-06)
  - c.** If the applicant is land based, is able to read and understand a map and compass or operate a global positioning system (GPS) or other computerized map system. (4-11-06)
  - d.** Is clean and well-mannered with a desire to please those whom the applicant is called upon to serve. (4-11-06)
  - e.** The applicant for a hunting or boating guide license shall satisfy the training requirements pursuant to Sections 035 through 042 of this rule, prior to performing guiding services for an outfitter. Power boat fishing guides shall satisfy the training requirements pursuant to Section 048 of this rule. (5-8-09)
  - f.** For hunting and boating guide applicants, the training form or log set forth in Sections 035 through 042 and Section 048 of this rule shall be completed in full on a form provided by the Board before the guide license application is submitted to the Board and shall be maintained by the outfitter during the time the guide is employed by the outfitter for one (1) complete license year following the termination of employment of the guide. (5-8-09)
  - g.** The applicant for a ski guide license shall satisfy the training requirements pursuant to Section 044 of this rule prior to performing guide services for an outfitter. The training documentation required pursuant to Section 044 of this rule shall be provided to the Board by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide (5-8-09)
  - h.** The applicant for a Technical Mountaineering/Rock Climbing license shall satisfy the training requirements pursuant to Section 046 of this rule prior to performing guide services for an outfitter. The training documentation shall be provided to the Board by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide. (5-8-09)
  - i.** The applicant for a Snowmobiling guide license shall satisfy the training requirements pursuant to Section 047 of this rule prior to performing guide services for an outfitter. The training documentation on these forms shall be provided to the Board by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide. (5-8-09)
- 03. Retention of Training Forms.** If a guide is involved in an accident or incident

## IDAPA RULES

jeopardizing the health, safety or general welfare of a client, the training log shall be retained by the outfitter for a period of three (3) years from the date of the accident or incident. These forms shall be maintained by the outfitter for each guide and shall be available for inspection by the Board or agents of the Board. (5-8-09)

### **035. GUIDE APPLICATION REQUIREMENTS - HUNTING.**

A guide applicant for big game hunting may be licensed either as an apprentice guide or as a guide. (3-1-86)

**01. Apprentice Guide.** An apprentice guide is a new hunting guide applicant who has not had previous experience as an Idaho hunting guide. He may be licensed as an apprentice guide by submitting a completed application form and fee. (3-1-86)

**02. Apprentice Guide.** An apprentice guide may assist a hunting guide while completing training necessary to become a guide, but may not be given primary responsibility for guiding a hunt. (3-1-86)

**03. Guide.** A new hunting guide applicant must have in addition to other general requirements outlined in Section 034 of this rule, the following minimum training certified by the employing outfitter before a guide license may be issued: (5-8-09)

**a.** The applicant must have been in the outfitter's operating area(s) for at least ten (10) days and must be knowledgeable of trails, terrain, drainages, and game habits and habitat. (3-1-86)

**b.** He must be able to correctly cape an animal and be adequately trained so as to be able to instruct and assist clients in the proper care of meat. (3-1-86)

**04. Upgraded.** If an apprentice guide license has been issued, the apprentice license may be upgraded to that of a guide when the required training is completed, when certified by the employing outfitter, and a copy of the completed training form is submitted to the Board along with the amendment fee. (5-8-09)

### **036. GUIDE APPLICATION REQUIREMENTS -- RIVERS, STREAMS, OR LAKES.**

Boating on any river, stream or lake is considered hazardous. For the purpose of these rules, specific sections of some whitewater river or streams which are considered more hazardous have been designated "classified." Classified rivers are denoted by an asterisk (\*) in the list of rivers contained in Subsection 059.01. (5-8-09)

### **037. BOATMAN LICENSE TRAINEES.**

A guide applicant for boating may be licensed in several ways, depending upon training and experience, river classification, and the craft (float or power) used. (3-1-86)

**01. Boat Guide License.** When applying for a boat guide license, an applicant must show he has the training and experience required by the Board on each river or lake applied for and that he is proficient in reading the water and handling the type of boat required to be used. (3-1-86)

**02. Trainee Boatman.** A trainee boatman may not obtain a guide license until training is complete and may not operate a boat except as prescribed in Section 040. (3-1-86)

## IDAPA RULES

### **038. FLOAT BOAT GUIDE -- UNCLASSIFIED RIVERS.**

To qualify as a float boat guide on unclassified rivers and streams, the applicant shall have had one (1) complete commercial float boat trip on each of the rivers applied for, (complete trip means the total section of river designated by the Board in Subsection 059.01), under the supervision of a float boat guide licensed for each of those rivers. A log of this experience shall be recorded on a form provided by the Board office giving dates, and location, and shall be maintained by the outfitter. (5-8-09)

### **039. FLOAT BOAT GUIDE -- CLASSIFIED RIVERS.**

A float boat guide on a classified river shall be licensed as a float boatman or a float lead boatman according to his experience on that specific river. Each trip on a classified river shall have a lead boat operated by a guide licensed as a lead boatman for that specific river and all other boats participating in that trip shall follow the lead boat and shall be operated by a guide licensed as a boatman or a lead boatman for that specific river. (Note exception for trainees in Section 040). (3-1-86)

### **040. FLOAT BOATMAN QUALIFICATIONS -- CLASSIFIED RIVERS.**

An applicant for a float boatman license on classified rivers may qualify in one (1) of three (3) ways: (4-1-92)

**01. General.** He shall have had three (3) complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river (complete trip means the total section of river designated by the Board in Subsection 059.01), or he shall have had one (1) or more complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river with the remaining trip(s) in a boat with no more than one (1) other trainee, following a licensed float boatman for that river, but he must not have passengers in the boat. (4-1-92)

**a.** Allowances may be made for experience gained as a commercial boat operator on selected whitewater rivers with characteristics similar to Idaho's classified rivers; e.g. Colorado River (Grand Canyon or Cataract Canyon), Yampa River, Rogue River, American and Toulumne Rivers, other Idaho classified rivers, or the unclassified section of the Salmon River from North Fork to Corn Creek, provided the applicant has logged at least five hundred (500) miles as a commercial float boat operator on one (1) or more of those rivers. (4-1-92)

**b.** To document this experience, a statement signed by the applicant under oath or affirmation and notarized shall be recorded on a form provided by the Board office. The statement should include precise put-in and take-out points, miles logged for each trip, and the names and addresses of the boat operators who have employed them. (5-8-09)

**02. Other.** Or, he shall have logged at least five hundred (500) miles as a commercial float boat guide on any rivers applicable to Subsection 040.01.a., and shall have one (1) complete float boat trip on each river applied for under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following

## IDAPA RULES

a float boatman licensed for that river, but there must not be any passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01). A log of this experience shall be recorded on a form provided by the Board office and maintained by the outfitter showing the dates, location of float boat trips and the signature of the outfitter. (5-8-09)

**03. Float Lead Boatman.** Or, if he is licensed as a float lead boatman on a classified Idaho river, he may qualify for a float boatman license on other classified rivers after one (1) complete float boat trip on each river applied for, under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following a float boatman licensed for that river, but he must not have passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01.) A log of this experience shall be recorded on a form provided by the Board office and maintained by the outfitter showing the dates, location of float boat trips, and the signature of the outfitter. (5-8-09)

### **041. FLOAT LEAD BOATMAN QUALIFICATIONS.**

An applicant for a float lead boatman license must have had six (6) complete float boat trips except that upon Board approval, a licensee may train on and be licensed for a specific reach of a section only. (Complete trip means the total section or reach of a section of river designated by the Board in Subsection 059.01). One (1) trip must have been within the sixty (60) months preceding the date of the application on each of the classified rivers applied for. Any float boatman wishing to qualify for a lead float boatman license shall record on a form provided by the Board each commercial float boat trip made with dates, location, and signature of the outfitter. The training shall be recorded on a form provided by the Board and maintained by the outfitter. (5-8-09)

### **042. POWER BOAT GUIDE.**

To qualify for a power boat guide license on: (4-1-92)

**01. Classified Rivers.** An applicant shall have spent fifty (50) power boating hours on the total length of the river or section of river designated on the application by the Board for which he wishes to operate, under the direct supervision of a power boat guide licensed for that river. The fifty (50) hours required shall be distributed as evenly as possible along the total length of the river or section of river for which qualification is sought. The exception to this rule is the Salmon River from the mouth of the Middle Fork to Salmon Falls, Salmon Falls to Ludwig Rapids, and Ludwig Rapids to Vinegar Creek or Spring Bar, on which the applicant may train for twenty-five (25) hours on each section under the direct supervision of a power boat guide licensed for that river section. (4-1-92)

**02. Unclassified Rivers and Streams.** An applicant shall have spent at least ten (10) power boating hours on the total length of the river or section of river designated by the Board on the application for which he wishes to operate, under the direct supervision of a power boat guide licensed for that river or stream. The ten (10) hours required shall be distributed as

## IDAPA RULES

evenly as possible along the total length of the river or section of river for which qualification is sought. (4-1-92)

**03. Lakes and Reservoirs.** An applicant shall have spent at least ten (10) power boating hours on the lake or reservoir on which he wishes to operate, under the direct supervision of a power boat guide licensed for that lake or reservoir. The ten (10) hours shall be distributed as evenly as possible on the entire area of the lake or reservoir for which qualification is sought. (4-1-92)

**04. Log.** A log of this experience shall be recorded on a form provided by the Board office and maintained by the outfitter, showing the dates, river, lake or reservoir, location of put-in, destination, take-out, hours logged, and signature of outfitter. (5-8-09)

**043. (RESERVED).**

**044. SKIING, NON-HAZARDOUS AND HAZARDOUS TERRAIN OUTFITTER, DESIGNATED AGENT, SKI GUIDE AND SKI GUIDE TRAINEE.**

**01. Applications.** (4-11-06)

**a.** An outfitter, designated agent or guide must submit an outfitter or a guide application with current outfitter operating plan, if required, ski resume, avalanche training certificates, appropriate fees and proof of first aid training. (4-11-06)

**b.** The Board will then send this information to the Technical Advisory Committee (TAC) for evaluation. The TAC is a five (5) member body of qualified backcountry ski outfitters and ski guides appointed by the Executive Director and confirmed by the Board to advise the Board on non-hazardous and hazardous terrain skiing. (4-11-06)

**c.** The TAC will designate or determine the scope of the outfitting operation and whether guiding principally in non-hazardous or hazardous terrain. The TAC will then recommend to the Board whether or not the Board should license the outfitter or guide as either Level I Ski Operator (non-hazardous terrain, principally sub- alpine or skiing operations in forests) or a Level II Ski Operator (hazardous terrain with a high degree of avalanche exposure). Designated agents and guides are licensed to fill job duties of the respective outfitters based upon terrain and services of the guide rendered. (4-11-06)

**02. Designations and Qualifications for Outfitters, Designated Agents, Guides and Trainees. The designations and qualifications are as follows:** (4-11-06)

**a.** Level I ski guide (non-hazardous terrain). Is qualified to lead ski tours in the outfitter's operating area. One (1) year training as a ski guide assistant in a non-hazardous backcountry setting. Level I Ski Guides may work in hazardous terrain as a Level II Ski Guide Trainee under the supervision of a Level II Ski Guide. Level I Ski Guides are required to have: (4-11-06)

**i.** Standard First Aid training as per guide licensing in Idaho; (4-11-06)

**ii.** Level I field-based avalanche training consisting of a twenty-four (24) hour curriculum submitted and an instructor roster; (4-11-06)

**iii.** Knowledge of Outfitters Scope of Operation including logistics, services, terrain; and (4-11-06)

**iv.** A letter of reference from the employing outfitter. (4-11-06)

## IDAPA RULES

- b.** Level II ski guide (hazardous terrain). Has in-depth ski guiding experience on hazardous terrain and has the following qualifications: (4-11-06)
- i.** Two (2) winter seasons training with licensed Level II Ski Outfitter or Guide or equivalent work experience with another Level II ski operation which conduct services principally in hazardous or avalanche terrain; (4-11-06)
  - ii.** Advanced First Aid, WFR, or EMT of a minimum of forty-eight (48) hours; (4-11-06)
  - iii.** Level I and Level II field-based avalanche training consisting of at least forty-eight (48) hours curriculum with a submitted instructor roster; (4-11-06)
  - iv.** Knowledge of the Outfitters Scope of Operation including logistics, services, terrain; and (4-11-06)
  - v.** A letter of reference from the employing outfitter. (4-11-06)
- 03. Outfitters.** Outfitters who conduct winter ski-based operations may be designated as:(4-11-06)
- a.** Level I: self-propelled, with snowcat, or with snowmobile assisted including day skiing, hut skiing in non-hazardous terrain; (4-11-06)
  - b.** Level II: self-propelled including day skiing, hut skiing, multi-day expeditions, in hazardous terrain; or (4-11-06)
  - c.** Level II skiing operations with snowcats, helicopters, or ski from out of bounds from ski areas. (4-11-06)
- 04. Outfitters Plan of Operation.** A detailed Outfitters Plan of Operation is required which includes a plan for snowpack, terrain and avalanche safety assessment, additional transport utilized (i.e., snowmobiles, snowcats, helicopters) and instruction and training plans of guides working around related equipment. Additional safety and training standards for guides must be detailed in the operating plan. (4-11-06)
- 05. Field Supervisor.** The Outfitter must employ at least one individual acting as a field supervisor who must be a working Guide with the appropriate level of licensing for the operation and a minimum of five (5) years working at that level of guiding as to the scope of the operation, if the outfitter or Designated Agent does not satisfy this experience qualification. The individual will be required to provide a cover letter for each guide application attesting to the guide's qualifications. (4-11-06)
- 06. Ski Guide Trainee.** A trainee may be selected for employment by the outfitter and is not required to have a license. A trainee may only assist when under the direct supervision of a licensed guide and a trainee may not provide guided services to clients. A trainee must have thirty (30) days experience with a licensed ski guide in the outfitter's operating area and must meet all other guide requirements of Section 044 prior to submitting a guide application. (4-11-06)
- 045. (RESERVED).**
- 046. TECHNICAL MOUNTAINEERING/ROCK CLIMBING GUIDE.**  
Any applicant for a technical mountaineering/rock climbing guide license will be required to submit to the Board a detailed explanation of his qualifications, experience, and training. (3-1-86)

## IDAPA RULES

### 047. SNOWMOBILING GUIDE.

An applicant for a snowmobiling guide license shall: (4-1-92)

01. **Snowmobiling Techniques.** Have working knowledge of snowmobiling techniques;(4-1-92)

02. **Avalanche.** Have good leadership qualities and be knowledgeable in regards to potential avalanche conditions and proper route selection; (4-1-92)

03. **Map and Compass.** Have the ability to read a map and compass; (4-1-92)

04. **Hypothermia.** Be knowledgeable in the treatment of hypothermia and in winter survival techniques; and (4-1-92)

05. **Mechanics.** Have knowledge of the mechanical characteristics of snowmobiles and other equipment being used. (4-1-92)

### 048. POWER BOAT FISHING GUIDE -- (LAKES AND RESERVOIRS).

All applicants for a power boat fishing guide license shall possess the ability and knowledge to: (10-15-88)

01. **Maneuver or Pilot.** Maneuver or pilot a power boat upon Idaho lakes and reservoirs open to power boat fishing. (10-15-88)

02. **Operation.** Have operated a power boat for a minimum of ten (10) hours upon the lakes and reservoirs being requested. (10-15-88)

03. **Log.** A log of this experience shall be recorded on a form provided by the Board office and maintained by the outfitter showing the dates, location of power boat trips, and the signature of the outfitter. (5-8-09)

04. **Law.** Conduct his business in accordance with the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code). (10-15-88)

### 049. REPORTS.

The licensee shall submit to the Board on an annual basis or as otherwise required by the Board, an activity, use, and harvest report and other information about outfitting or guiding activities as may be required by the Board. (3-23-98)

### 050. GENERAL FISH AND GAME RULES.

An outfitter or guide shall never kill a client's game or catch his fish for him. He will at all times provide everything necessary for the safety of clients and personnel and will not hesitate to remind anyone of firearms safety rules. (1-20-72)

### 051. PLACEMENT OF HUNTING CAMPS AND LEAVING OUTFITTER'S OPERATING AREA.

01. **Hot Pursuit of Bear and Cougar With Hounds and Hot Pursuit Agreements.** With prior Board approval, an outfitter may enter into an adjacent area with a client for hot pursuit of bear and cougar hunting when hunting with hounds. The pursuit may not be started outside of the outfitter's licensed area. Outfitters may negotiate agreements with adjoining outfitters for hot pursuit of bear and cougar when hunting with hounds. Such agreements constitute a minor amendment. A copy of the amended agreement must be filed with the Board

## IDAPA RULES

annually. An outfitter wishing to conduct a hot pursuit hunt outside his licensed area with a client must: (3-20-04)

- a. Obtain written permission from all outfitters whose licensed area(s) will be directly involved in the hunt; (3-20-04)
- b. Obtain written permission from all applicable landowners or land managers; (3-20-04)
- c. Obtain approval from the Outfitters and Guides Licensing Board to conduct the hunt by satisfying the following criteria: (3-20-04)
  - i. Must be licensed for bear and cougar hunting; and (3-20-04)
  - ii. Submit an incidental amendment fee. (3-20-04)
- d. With prior Board approval, on a case by case basis and under special circumstances, the Board may waive the requirement for approval from the adjacent outfitter. (3-20-04)

**02. Camps.** A hunting outfitter shall not place a camp, nor cause one to be placed, in an area for which he is not licensed, except as identified in his approved operating plan. Whenever possible, camps used for big game hunting shall be placed well within the operating area and not near the boundary line. (3-20-04)

**03. Guide Services to Clients Outside Outfitter's Operating Area.** Clients may not be provided guided services when outside the outfitters area, including any drop camp situation except as provided in Subsection 051.01. Outfitters providing unguided hunts may be subject to Board action for clients hunting outside their operating area. (3-20-04)

### **052. BOAT TRANSPORT OF HUNTING CLIENTS.**

A person holding a boatman's license (either power or float) may not transport big game hunters to any big game hunting area unless he is licensed to outfit for big game hunting in that area or is in the employ of the outfitter who holds a license for that area. (3-1-86)

### **053. CONTROLLED HUNTS OUTSIDE OUTFITTER'S OPERATING AREA.**

**01. Requirements to Conduct a Controlled Hunt Outside Operating Area.** An outfitter wishing to conduct a controlled hunt outside his licensed area with a client with a controlled hunt permit must: (3-30-01)

- a. Obtain written permission from all outfitters whose licensed area(s) will be directly involved in the hunt; (3-30-01)
- b. Obtain written permission from all applicable landowners or land managers; (3-30-01)
- c. Obtain approval from the Outfitters and Guides Licensing Board to conduct the hunt by satisfying the following criteria: (3-30-01)
  - i. Must be licensed for the controlled hunt species; and (3-30-01)
  - ii. Send a written request to the Board for special one-time hunt approval, to include the hunter name and address, hunting license, tag and permit numbers, controlled hunt number, and dates of hunt. (3-30-01)
- d. Submit a minor amendment fee. (3-29-10)

**02. Authorization by Board.** Upon approval the Board will issue a letter authorizing the

## IDAPA RULES

one-time hunt. This notification will include the name and address of the hunter(s), controlled hunt number, hunter(s) license, tag and permit numbers. No compensation or remuneration shall be permitted between outfitters participating in the conduct of a controlled hunt on another outfitter's area, unless the outfitter supplies a service for that compensation. (3-30-01)

### **054. BOAT EQUIPMENT REQUIREMENTS.**

Each float or power boat must have: (4-1-92)

**01. Life Jacket.** A life jacket for each passenger and boatman. The life jackets must be of a type approved by the U.S. Coast Guard for use in boats carrying passengers for hire and must be maintained in good and serviceable condition. (4-1-92)

**02. Fire Extinguisher.** A fire extinguisher. (Does not apply to float boats without motors for steerage). (4-1-92)

**03. Identification.** (3-20-04)

**a.** Identification consisting of words, names, or letters indicating the current licensed outfitter. The identification shall be recorded with the Board on the outfitter application and shall be placed above the water line on each side of the bow or stern of the boat utilized by that outfitter in letters not less than three (3) inches in height, and be of a contrasting color. (Does not apply to single person boats or two (2) person inflatable boats). (3-20-04)

**b.** On Sections CL2 and CL3 of the Clearwater River, the outfitter shall have a sticker affixed to the surface of any boat used for anadromous fishing. The sticker shall not be less than eight (8) inches in height and shall be placed immediately adjacent to the identification words, names or letters on each side of the boat towards the bow, identifying the boat as operated by a licensed outfitter. The stickers shall be provided and sold annually by the Board or a vendor designated by the Board. (4-11-06)

### **055. BOATING CLIENT/GUIDE RATIO.**

All float boats, occupied by three (3) or more clients, shall be under the control of a licensed guide; except a boat guide trainee may operate a boat under the direct supervision of a licensed boatman, or may train as indicated in Section 040. Kayaks and canoes and clients rowing rafts that they own are exempt from this rule. (3-20-04)

### **056. BOND REQUIREMENTS.**

Pursuant to Section 36-2108(b), Idaho Code, outfitters shall submit a bond of five thousand dollars (\$5,000) if the gross income of the outfitting business for the previous calendar year, rounded up to the nearest whole thousand dollars, does not exceed ten thousand dollars (\$10,000). Outfitters with a gross income of the outfitting business for the previous calendar year of more than ten thousand dollars (\$10,000) shall submit a bond of ten thousand dollars (\$10,000). An outfitter who conducts day trips only may petition the Board for a reduction to a five thousand dollar (\$5,000) bond. (3-29-10)

### **057. ALLOCATION OF DEER AND ELK TAGS.**

The number of deer or elk tags allocated among the authorized operating areas within each

## IDAPA RULES

game management area, unit or zone will be determined by the Board pursuant to Sections 36-408(3) and 36-408(4), Idaho Code, and Department of Fish and Games rules, IDAPA 13.01.04, "Rules Governing Licensing" Sections 500, 505, and 506, based on historical use and a tag allocation factor shall be noted on the license of each outfitter so affected. (3-23-98)

**058. NUMBER OF OUTFITTERS AND GUIDES LIMITED.**

Big Lost and Little Lost Rivers and the Big Wood and the Little Wood Rivers -- All reaches from headwaters to the termination of the flow of the Big Lost and the Little Lost Rivers and all reaches of the Big Wood and Little Wood Rivers are limited to a maximum of five (5) outfitters on both rivers combined. (5-1-95)

**059. RIVER, LAKE AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.**

**01. Licensable Waters -- River Sections (BL1) Blackfoot River through (PR1) Priest River -- Table.** The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides. (4-11-06)

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Morgan Bridge to Trail Creek Bridge	None	2
(BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman. No overnight camping or walk-and-wade fishing allowed.	None	2
(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. Each outfitter may use at any time a maximum of four (4) boats for boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of	none	2

## IDAPA RULES

<p>an outfitters operating plan.</p>		
<p><b>(CF1) Clark Fork River</b> - Montana stateline to Lake Pend Oreille (boating closing date September 30)</p>	<p>4 outfitters for either power or float or combination thereof</p>	
<p><b>(CL1) Clearwater River</b> - Lowell to the Lower Bridge at Kooskia. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. Fishing may not be conducted downstream from the Upper Bridge at Kooskia by CL1 outfitters. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	<p>None</p>	<p>5</p>
<p><b>(CL2) Clearwater River</b> - The Upper Bridge at Kooskia to the Orofino Bridge. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	<p>6</p>	<p>10</p>

## IDAPA RULES

<p><b>(CL3) Clearwater River</b> - The Orofino Bridge to the mouth of the Clearwater River with the Snake River at Lewiston. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.</p>	10	10
<p><b>* (NFCL) North Fork Clearwater River</b> - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir</p>	None	4
<p><b>(CDNF) Headwaters of North Fork Coeur d'Alene</b> - Including tributaries (Independence and Tee Pee Creeks) upstream from Devils Elbow Campground. Three (3) walk and wade only licenses. Up to four (4) clients on the river at one time per license.</p>	None	none
<p><b>(CD1) Coeur d'Alene River</b> - Devil's Elbow to South Fork confluence (boating closing date is June 30). Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.</p>	None	1

## IDAPA RULES

<p><b>(CD2) Coeur d'Alene River</b> - South Fork confluence downstream to Cataldo Mission Boat Ramp. The float boat closing date is June 30. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.</p>	None	1
<p><b>(CD3) Lateral (Coeur d'Alene chain) Lakes</b> - Connected by the Coeur d' Alene river. Cataldo Mission Boat Ramp to Highway 97 Bridge. A limit of one (1) power boat per license with a maximum of two (2) clients at a time or a limit of one (1) guide per license and two (2) float tubes at a time or two (2) clients walking and wading. The walk and wade activities must be associated with the power boating.</p>	3	none
<p><b>* (JB1) Jarbidge/Bruneau Rivers</b></p>	None	4
<p><b>(KO1) Kootenai River</b> - Montana stateline to Canada boundary</p>	5	5
<p><b>(LCL1) Little North Fork Clearwater River</b> - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.</p>	None	2
<p><b>* (LO1) Lochsa River</b></p>	None	5

## IDAPA RULES

<p><b>(MO1) Moyie River</b> - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)</p>	None	5
<p><b>* (OW1) Owyhee River</b> - Nevada stateline to Oregon stateline or South Fork to confluence with Owyhee River and continuing on to a take-out point.</p>	None	6
<p><b>(PN1) Payette River, North Fork</b> - Payette Lakes Outlet to Hartsell Bridge. Restrictions: NO FISHING ALLOWED. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.</p>	None	2
<p><b>(PN1A) Payette River, North Fork</b> - Cascade City Park, 1/4 mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F &amp; G rules apply. No stopping by commercial groups from 1/4 mile above to 1/4 mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.</p>	None	2
<p><b>(PN2) Payette River, North Fork</b> - Cabarton to Smiths Ferry Bridge</p>	None	5
<p><b>(PS1) Payette River, South Fork</b> - Grandjean to Deadwood River</p>	None	5

## IDAPA RULES

<b>* (PS2) Payette River, South Fork - Deadwood River to Banks</b>	None	5
<b>(PA1) Payette River - Banks to Black Canyon Dam</b>	None	5
<b>(PO1) Pend Oreille River</b>	5	5
<b>(PR1) Priest River - Dickensheet Campground to Priest River City</b>	None	5

**02. Licensable Waters -- River Sections (MF1) Middle Fork Salmon River Through (SE2) Selway River -- Table.** The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides. (4-11-06)

River/Section	Maximum No. Power	Maximum No. Float
<b>###(MF1) Salmon River, Middle Fork - Boundary Creek to Indian Creek</b>	None	27
<b>### (MF2) Salmon River, Middle Fork - Indian Creek to Cache Bar on the Salmon River</b>	None	27

## IDAPA RULES

<p><b>(SA1) Salmon River</b> - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar</p>	<p>none</p>	<p>6</p>
<p><b>(SA2) Salmon River</b> - Torrey's Bar to first Highway 93 bridge above Challis. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.</p>	<p>none</p>	<p>5</p>
<p><b>(SA3) Salmon River</b> - First Highway 93 bridge above Challis to Kilpatrick River access. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan.</p>	<p>none</p>	<p>6</p>
<p><b>(SA4A) Salmon River</b> - Kilpatrick River access to North Fork - License period from May 1 to September 30. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	<p>5</p>	<p>11</p>

## IDAPA RULES

<p><b>(SA4B) Salmon River - Kilpatrick River access to North Fork -</b> License period from October 1 to April 30. Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.</p>	2	8
<p><b>(SA5) Salmon River - North Fork to Corn Creek</b></p>	3	9
<p><b>*##(SA6) Salmon River - Corn Creek to Spring Bar Boat Ramp with no outfitter fishing below Vinegar Creek from September 15 through March 31 except that on a case-by-case basis, outfitter fishing may occur when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.</b></p>	14	31
<p><b>* (SA7A) Salmon River - Vinegar Creek to Hammer Creek -</b> License period from March 15 to October 15. No power boating is allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.</p>	10	26

## IDAPA RULES

<p><b>* (SA7B) Salmon River</b> - Power boats from Vinegar Creek to Spring Bar Boat Ramp and float boats from Vinegar Creek to Island Bar Boat Ramp, open from September 15 to March 31 only. Each float boat outfitter may use at any one time a maximum of three (3) boats for fishing, or two (2) additional boats for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director; and each power boat outfitter may use at any one time a maximum of two (2) boats for fishing, or one (1) additional boat for fishing when permitted by the BLM and with the notification to and concurrence of the Board Executive Director.</p>	6	12
<p><b>* (SA7C) Salmon River</b> - Riggins City Park Boat Ramp to Hammer Creek. Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period from September 15 to March 31.</p>	none	3
<p><b>*##(SA8) Salmon River</b> - Hammer Creek to Heller Bar or Lewiston on the Snake River</p>	15	35
<p><b>* (SE1) Selway River</b> - Paradise Campground to Selway Falls</p>	none	4
<p><b>(SE2) Selway River</b> - Selway Falls to the mouth of the Selway River at Lowell. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's</p>	none	5

## IDAPA RULES

operating plan.		
-----------------	--	--

**03.Licensable Waters -- River Sections (SH1) Henry's Fork Snake River Through (TE3) Teton closed to commercial boating by outfitters and guides.**

River/Section	Maximum No. Power	Maximum No. Float
<p><b>(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford.</b> (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	none	7
<p><b>(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony.</b> Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing, no more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Warm River, Warm River to Ashton Dam, and Ashton Dam to St. Anthony, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	none	8

## IDAPA RULES

<p><b>(SH3) Snake River, Henry's Fork - St. Anthony to confluence with South Fork of Snake River.</b> Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	<p>none</p>	<p>4</p>
<p><b>(SS1) Snake River - South Fork - Palisades Dam to confluence with Henry's Fork.</b> No more than four (4) boats per section/per day may be used by an outfitter at any one time on any of the following river reaches: (a) Palisades Dam to Swan Valley Bridge; (b) Swan Valley Bridge to Black Canyon          (Exception: Not more than eight (8) boats will be permitted in Section          (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m.); (c) Black Canyon to Poplar (Kelly Canyon); and (d) Poplar to the confluence with Henry's Fork. Restrictions: No outfitter may have more than twelve (12) boats on the SS1 in any one (1) day. Further, the lower boundary of Section (a) (Palisades Dam to Swan Valley Bridge) shall overlay Section (b) to the Conant takeout (Swan Valley Bridge to Black Canyon), and Section (b) shall overlay Section (c) to the Cottonwood access. Supply boats which do not carry clients are exempt from these restrictions.</p>	<p>5</p>	<p>6</p>
<p><b>(SN1) Snake River - Henry's Fork confluence downstream to Gem State Power Plant</b></p>	<p>3</p>	<p>3</p>

## IDAPA RULES

<b>(SN2) Snake River - Gem State Power Plant downstream to headwaters of American Falls Reservoir</b>	3	3
<b>(SN3) Snake River - American Falls Dam to Massacre Rocks State Park</b>	3	3
<b>(SN4) Snake River - Massacre Rocks State Park to Milner Dam</b>	3	3
<b>* (SN5) Snake River - Milner Dam to Star Falls</b>	none	3
<b>* (SN6) Snake River - Star Falls to Twin Falls</b>	none	5
<b>(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam</b>	3	3
<b>(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam</b>	3	5
<b>(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir</b>	5	5

## IDAPA RULES

<b>(SN10) Snake River - C.J. Strike Dam to Walter's Ferry</b>	5 outfitters for either power or float or combination thereof	
<b>(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir</b>	5	none
<b>* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing</b>	18	15
<b>* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only</b>	none	2
<b>(SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston</b>	19	15
<b>(SN15) Snake River - Washington/Oregon stateline to Lewiston</b>	Limitations pending. (This section is set aside for future rules of fishing only outfitters.)	
<b>(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.</b>	none 2	none

## IDAPA RULES

<b>(SJ2) St. Joe River</b> - Red Ives to Avery. In addition to one (1) float boat license, three (3) walk and wade only outfitters. No fishing from float boats, boat clients may fish via walk and wade.	none	1
<b>(SJ3) St. Joe River</b> - Avery to St. Joe City Bridge	none	2
<b>(SJ4) St. Joe River</b> - St. Joe City Bridge to Lake Coeur d'Alene	2	none
<b>(SM1) St. Maries River</b>	5	5
<b>(TE1) Teton River</b> - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
<b>(TE2) Teton River</b> - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	
<b>(TE3) Teton River</b> - Harrop Bridge to confluence with Snake River, motors not to exceed 10 hp	none	5

\* Classified rivers

## Floatboat and powerboat outfitters on these sections shall be considered within their area of operations when hiking from the river or fishing in tributaries away from the river, but shall not include overnight activities. Conflicts with land-based outfitters shall be handled on a case-by-case basis. (3-30-07)

**04. Other -- Table.** The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho shall be open to fishing by outfitters with the following

## IDAPA RULES

limitations:

(4-1-92)

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	1
Dworshak Reservoir	7	2
Hayden Lake	1	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2
Lake Pend Oreille	11	1
Priest Lake	5	1
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

**05. Other Lakes and Reservoirs.** All other Idaho lakes and reservoirs shall be limited to two (2) outfitters with a maximum of two (2) boats (float or power) per outfitter. (4-1-92)

**060. SKIING.**

**01. Cross-Country.** All cross-country ski tours shall have with them necessary

## IDAPA RULES

emergency provisions, including a first aid kit. (5-1-95)

**02. Alpine.** All general rules for outfitters and guides shall apply to backcountry alpine skiing. All backcountry alpine ski tours shall have with them necessary emergency provisions, including a first aid kit. (5-1-95)

**03. Backcountry Alpine.** Backcountry alpine ski outfitters must have an operating plan approved by the Forest Service prior to conducting any outfitting or guiding operations. (3-1-86)

### **061. TECHNICAL MOUNTAINEERING/ROCK CLIMBING.**

Technical mountaineering/rock climbing is a highly specialized activity requiring training and skill. Any outfitter applicant for this activity shall be required to appear before the Board to explain in full detail his qualifications, experience, plans, and areas of operation. (3-1-86)

### **062. TECHNICAL MOUNTAINEERING/ROCK CLIMBING -- EMERGENCY SUPPLIES.**

All technical mountaineering/rock climbing tours shall have with them necessary emergency provisions, including a first aid kit. (5-1-95)

### **063. SNOWMOBILING.**

All general rules for outfitting and guiding shall apply to snowmobiling. In addition, the following general rules apply: (3-1-86)

**01. Non-Groomed Trails.** All machines shall be accompanied by at least one (1) guide for one (1) through five (5) snowmachines, two (2) guides for six (6) through twelve (12) snowmachines, and one (1) additional guide for each additional ten (10) snowmachines. The maximum number of snowmachines allowed in one (1) group shall not exceed thirty (30). One (1) guide shall lead and one (1) trail where more than five (5) snowmachines are involved. (3-1-86)

**02. Groomed Trails.** All machines shall be accompanied by at least one (1) guide for one (1) through fifteen (15) snowmachines, and two (2) guides for sixteen (16) through a total of thirty (30) snowmachines. One (1) guide shall lead and one (1) trail where more than fifteen (15) machines are involved. The maximum number of snowmachines allowed in one group shall not exceed thirty (30). (3-1-86)

**03. Emergency Equipment.** All snowmobiling tours shall have with them necessary emergency equipment, a first aid kit, tools, and spare parts for the machine(s) in use. (5-1-95)

**04. Reduction in Guide Ratios.** Upon application to the Board by the outfitter, the Board may reduce the number of guides on non-groomed trails to one (1) guide for six (6) through twelve (12) snowmachines and the number of guides on groomed trails to one (1) guide for sixteen (16) through thirty (30) snowmachines, if the guide has electronic communication for summoning assistance at all times during the excursion. (3-10-03)

### **064. AUTHORIZATION FOR GRANTING, DENIAL AND REVOCATION OF LICENSES.**

**01. Executive Director Authorizations.** The Executive Director is authorized to grant, issue or deny, temporary authorizations, licenses and license amendments, hot pursuit

## IDAPA RULES

agreements and allocated tags with the concurrence of the Board, under the following conditions: (3-29-10)

a. The Executive Director may grant and issue all routine temporary authorizations, license applications, amendments and related matters when the applicant does not have any convictions for fish and game violations or other violations of the grounds enumerated in Section 36-2113(a), Idaho Code, has not falsified or provided any misleading information to the Board, and otherwise qualifies for licensure. (3-29-10)

b. The Executive Director may grant all license applications which otherwise qualify for licensure, but which have violations of the grounds enumerated in Section 36-2113(a), Idaho Code, which occurred five (5) years prior to the date of application, except that a license will not be granted by the Executive Director to an applicant who has a felony conviction of any nature, or conviction of a flagrant violation pursuant to Section 36-1402(e), Idaho Code. (3-29-10)

c. The Executive Director may grant a license with probationary status for conviction of minor fish and game violations or violations enumerated in Section 36-2113(a), Idaho Code, that occurred at least five (5) years prior to the date of application, excluding felony convictions. (3-29-10)

d. The Executive Director may defer granting or denying any license or related matter to the Board for action by the Board. (3-29-10)

e. The Executive Director may not waive fees. (3-29-10)

**02. Board Conditions.** The Board may grant or deny a license pursuant to the provisions of Sections 36-2109 and 36-2113, Idaho Code, under the following conditions: (3-30-01)

a. The Board may grant a license to an applicant with convictions of violations enumerated in Section 36-2113(a), Idaho Code, which are over five (5) years old and may or may not place the licensee on probation. (3-30-01)

b. The Board may grant a license to an applicant with convictions of violations enumerated in Section 36-2113(a), Idaho Code, which are less than five (5) years old and may or may not place the licensee on probation. (3-30-01)

c. The Board shall proceed with the denial of an applicant for a hunting or fishing outfitter or guide license or proceed with the revocation process on a licensee upon conviction of a flagrant violation pursuant to Section 36-1402(e), Idaho Code, unless unusual mitigating circumstances exist. (3-30-01)

### **065. LICENSE AMENDMENTS.**

**01. Procedure for Amendment to Outfitter License.** An outfitter must procure an amendment to their license through the following procedure: (4-5-00)

a. The applicant requests an Amendment Request Form (OG9) from the Board. (4-5-00)

b. The applicant fills out and returns the completed Amendment Request Form to the

## IDAPA RULES

Board along with an amended operating plan, financial statement, map (if applicable), land manager signoff sheets (if applicable), and the amendment fee as provided for in Section 015.(4-5-00)

**c.** The Board initiates a review and analysis of the application following which the applicant is informed that: (4-5-00)

i. Additional materials are needed to complete the application; or (4-5-00)

ii. The amendment request is granted; or (4-5-00)

iii. The amendment request is denied. (4-5-00)

**02. Procedure for Amendment to Guide License.** A guide must procure an amendment to their license through the following procedure: (4-5-00)

**a.** The guide or the outfitter must initiate the amendment request by contacting the Board. (4-5-00)

**b.** The outfitter for which all amendment requests are made must submit: (5-8-09)

i. A properly completed amendment form that provides certification that training requirements for the area and activity to be added have been met and proof of such training will be available at the Board's request. (5-8-09)

ii. The amendment fee as provided for in Section 015. (5-8-09)

**c.** The Board initiates a review and analysis of the application following which the applicant is informed that: (4-5-00)

i. Additional materials are needed to complete the application; or (4-5-00)

ii. The amendment request is granted; or (4-5-00)

iii. The amendment request is denied. (4-5-00)

**066. (RESERVED).**

**067. INSPECTIONS.**

Outfitter camps and equipment may be inspected at any time by an authorized person or any member of the Board with a written report submitted to the Board. Adequate equipment and gear must be utilized and must be maintained in a manner which meets minimum standards of public acceptability and which meets the requirements of applicable local, state, or federal laws. (3-1-86)

**068. ADMINISTRATIVE FINES/PROBATION/RESTRICTIONS.**

**01. Penalties -- Table.** In addition to suspension, probation, restriction or revocation of a license, the following penalties may be applied to that licensee or those licensees found to have violated the provisions of Title 36, Chapter 21, Idaho Code, or the rules of the Board. Each numbered penalty set forth below corresponds to the numbered sub-paragraph for discipline set forth in Section 36-2113(a), Idaho Code, with such fine, suspension, probation, restriction or revocation of a license applicable to each numbered penalty. (3-30-01)

## IDAPA RULES

I.C. Section 36-2113(a)	First Offense	Second Offense	Third Offense
1.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
2.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
3.	All Penalties Shall Be Within The Board's Discretion.		
4.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
5.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine
6.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
7.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
8.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
9.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
10.	\$100 - \$500 Fine	\$500 - \$2,500 Fine	\$2,500 - \$5,000 Fine
11.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine
12.	\$100 - \$500 Fine	\$500 - \$2,500 Fine	\$2,500 - \$5,000 Fine
13.	All Penalties Shall Be Within The Board's Discretion.		

## IDAPA RULES

14.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine
-----	--------------------	--------------------	----------------------

**02. Restrictions.** No license shall be issued while any outstanding administrative fine monies are due unless an arrangement has been made and approved by the Board for the payment of same. (10-15-88)

**03. Terms of Probation.** The standard or usual terms of probation are that there are no violations of local, state or federal laws or ordinances, and that no amendments to the license will be permitted during the term of probation. Probation may also include such other restrictions as the Board shall order. (3-23-98)

**069. INSURANCE.**

An outfitter shall maintain and file with the Board a current certificate or proof of liability insurance. (9-1-90)

**01. Insurance Coverage.** Insurance coverage against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person, excluding employees, caused by the outfitter's operation, in the minimum amount of one hundred thousand (\$100,000) per accident, with the aggregate of three hundred thousand (\$300,000), because of bodily injury or death occurring in an accident. (9-1-90)

**02. Vehicles.** Insurance coverage on vehicles carrying passengers against loss resulting from liability for bodily injury or death or property damage suffered by any person caused by the outfitter's operation, in the amount of three hundred thousand (\$300,000) for vehicles carrying one (1) to fifteen (15) passengers, and in the minimum amount of five hundred thousand (\$500,000) for vehicles carrying sixteen (16) or more passengers. (9-1-90)

**070. (RESERVED).**

**071. BOARD MEETINGS.**

Board meeting dates shall be established for the conduct of regular Board business in accordance with the Idaho Open Meeting Law, Sections 67-2340 through 67-2347, Idaho Code. (3-30-07)

**072. ELECTION OF BOARD OFFICERS.**

**01. General.** At the regular Board meeting on the fourth Monday in June, or as soon thereafter as practicable, the Board shall elect from within its members, except for Board Secretary, the following officers: (12-30-93)

**a.** Chair of the Board; (12-30-93)

**b.** Vice-Chair of the Board, who shall serve as Chair in the absence of the Chair of the Board; (12-30-93)

**c.** Board Secretary -- the Executive Director shall serve in this office; (12-30-93)

**d.** Board Treasurer who shall serve as Chair in the absence of both the Chair and Vice-Chair of the Board. (12-30-93)

## IDAPA RULES

- 02.     **Election.** Members shall be elected by an affirmative vote of a majority of Board members present. (12-30-93)
- 03.     **Successors.** Officers shall hold their office until a successor is elected. (12-30-93)
- 04.     **Term.** No person shall serve more than two (2) consecutive terms in the same office.(12-30-93)
- 05.     **Majority Vote.** Election shall be by majority vote. (12-30-93)
- 06.     **Proxies.** Proxies shall not be permitted. (12-30-93)
- 07.     **Effect.** Terms shall take effect immediately upon election and shall last for a period of two (2) years. (12-30-93)
- 073. -- 999.     **(RESERVED).**

## TITLE 23

### ARTICLE 4. GUIDES AND OUTFITTERS.

#### W.S 23-2-406. Definitions.

(a) As used in this act:

(i) "Advertises" means attempting by any means, including the Internet, the World Wide Web or a similar proprietary or common carrier electronic system, to induce persons to enter into an agreement with an outfitter to receive guide or packing services;

(ii) "Board" means the Wyoming state board of outfitters and guides established under this act;

(iii) "Guide services" means for hire or remuneration, accompanying and providing assistance to a hunter in the field relating to the taking of any big or trophy game animal except as provided in W.S. 23-2-401 (b) and (c):

(iv) "Outfitter" means a person including a hunting club, who advertises or holds himself out to the public for hire for the purpose of financial gain in order to provide guide or packing services for the purpose of taking any big or trophy game animal, excluding any person who furnishes pack or riding animals and other equipment only to a hunter for his personal temporary use and any landowner providing outfitter services on private lands owned or leased by him. As used in this paragraph:

(A) "Hunting Club" means any person requiring dues or remuneration for providing personal services in the field for the taking of any big or trophy game animal;

(B) "Landowner" means any person, firm or corporation holding title to, or occupying under a contract of purchase, agricultural land or any person whose family owns at least a majority of the stock in a Wyoming Corporation and who provides services specified in this paragraph on lands owned by the corporation and used primarily for agricultural purposes:

(v) "Outfitter of record" means the licensed outfitter designated by any unlicensed owner of an outfitting business who is specifically authorized to represent the outfitting business and is responsible and accountable for the operation of the outfitting business;

(vi) "Professional guide" means any person employed by or operating under an independent contract with a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities for the purpose of hunting animals except any person employed by a licensed outfitter solely to care for, groom or saddle livestock, cook, cut wood, or to transport people, equipment and personal property;

(vii) "Packing services" means transporting for hire or remuneration, hunters, game animals or equipment in the field for the purpose of taking any big game animal;

(viii) "Take" means hunt, catch, capture, shoot, trap, kill or possess or attempt to hunt, catch, capture, shoot, trap, kill or possess any big or trophy game animal;

(ix) "This act" means W.S. 23-2-406 through 23-2-418.

#### W.S. 23-2-407. License required for outfitters and professional guides; license prerequisites for recovery of compensation.

(a) No person shall hold himself out as, engage in the business of or act in the capacity of an outfitter or shall provide guide services or packing services for the purpose of taking any big or trophy game animal unless he is licensed as an outfitter or professional guide pursuant to this act.

(b) No person engaged in the business of or acting in the capacity of an outfitter or a professional guide is entitled to maintain an action for compensation of outfitting or guiding services provided to any other person unless he is licensed under this act at the time of providing services.

(c) No person shall advertise outfitter or guide services to be performed in Wyoming without listing the Wyoming outfitter license number of one (1) or more outfitters who are contractually obligated to provide the services advertised. This subsection shall not apply to landowners as defined in W.S. 23-2-406 (a) (iv) (B).

**W.S. 23-2-408. Wyoming State Board of Outfitters and Professional Guides; membership; meetings; per diem and travel expenses.**

(a) The Wyoming State Board of Outfitters and Professional Guides is established within the Department of Administration and Information and shall consist of seven (7) members as follows:

(i) Two (2) members appointed by the governor from the public-at-large who are not employed by and do not receive any income or compensation from outfitters or professional guides;

(ii) One (1) member of the Wyoming Game and Fish Commission or its designated representative; and

(iii) Four (4) members representing a variety of types and sizes of outfitters appointed by the governor from a list of nominations submitted by the licensed outfitters in Wyoming. Nominees shall be licensed outfitters or professional guides with not less than five (5) years experience in outfitting or professional guiding in this state. Two (2) nominees shall be submitted for each board vacancy and appointments shall rotate among Game & Fish Commission appointment districts within the state.

(b) Appointed members shall be appointed by the governor with the advice and consent of the senate in accordance with W.S. 28-12-101 through W.S. 28-12-103 and may be removed by the governor as provided by W.S. 9-1-202. Not more than four (4) members of the Board shall be of the same political party. Except as otherwise provided for initial appointees, the term of an appointed member shall be three (3) years.

(c) If a vacancy occurs in the membership of any appointed term, the governor with the advice and consent of the senate shall appoint a member with qualifications similar to the member to be replaced, to serve the unexpired term of that member. Any vacancy occurring between sessions of the legislature may be filled by the governor in accordance with W.S. 28-12-101 (b).

(d) The board shall select one (1) member to serve as chairman and one (1) member as vice-chairman. The terms of office shall not exceed one (1) year.

(e) The board shall meet upon the call of the chairman, at the call of a majority of board members or upon request of the governor. Four (4) members constitute a quorum.

(f) Appointed members of the board shall serve without compensation but when engaged in actual duties of the board, shall receive travel expenses and per diem in the same manner and amount as provided by law for state employees.

(g) The board is transferred to the Department of Administration and Information as a Type 3 transfer in accordance with W.S. 9-2-1707 (b) (iii).

**W.S. 23-2-409. Legal Representation.**

The board may request the attorney general of this state to provide legal opinions or may employ an attorney to represent the board. Fees and expenses of the attorney general arising from such duties shall be paid from the account created by W.S. 23-2-414 (d) if billed to the board by the attorney general.

**W.S. 23-2-410. Powers and duties of the board; generally; employees; licensing and regulation.**

(a) The board shall:

(i) Adopt an official seal;

(ii) Carry out provisions of this act and in accordance with the Wyoming Administrative Procedure Act, adopt necessary rules and regulations for carrying out this act including requirements for training, experience and knowledge of relevant law and rules and regulations as may be imposed upon outfitters and professional guides, the content and requirements for examination of license applicants and other necessary and reasonable rules;

(iii) Report to the governor in accordance with W.S. 9-2-1014.

(b) The board may employ personnel as required to carry out this act and establish compensation for any employees subject to legislative budget authorization. The board may investigate alleged violations of this act, including but not limited to violations of W.S. 23-2-407 (a). In enforcing this act and its rules and regulations, the board shall require investigators to receive peace officer training and qualification under W.S. 9-1-701 through 9-1-707.

(c) The board shall license and regulate outfitters and professional guides in this state and shall:

(i) Examine applicants for licensure under this act;

(ii) Deny or approve applications for licensure and may revoke or suspend licenses in accordance with this act and its rules and regulations;

(iii) Conduct hearings upon complaints received relative to licensees. The board may require the complainant to appear before the board in an investigation or a hearing the board conducts. The board may summarily dismiss a complaint upon failure of the complainant to appear or otherwise cooperate with the board;

(iv) Impose reasonable restrictions and limitations upon licensees as necessary to implement this act;

(v) Designate areas within the state as recommended by the commission for game management purposes in which a licensee may conduct outfitting or professional guiding under the license;

(vi) Repealed by Laws 1991, ch. 156, § 2.

(d) Unless a court issues a search warrant based on probable cause that a private property owner is engaged in illegal outfitting activities, investigators of the board shall not enter onto private property without express permission from the property owner. The board shall not require private landowners to sign an authorization form for outfitters licensed by the board to enter lands owned by the person.

**W.S. 23-2-411. Outfitter qualifications for licensure; licensed outfitter may act as professional guide; required reporting of criminal history.**

(a) An applicant for an outfitter's license shall in addition to any other criteria imposed by rule and regulation of the board, possess the following qualifications:

(i) At least eighteen (18) years of age;

(ii) Experience as a licensed professional guide for not less than one (1) year or similar experience accepted by the Board;

(iii) Possess through ownership, lease or as a representative of an owner or lessee, equipment and facilities necessary to the type of services the applicant offers and applicable to the area conditions in which the applicant operates;

(iv) and (v) Repealed by Laws 1991, ch. 156, § 2.

(vi) Have committed no violations of W.S. 23-2-416 (a).

(b) Any person holding an outfitter's license under this act may operate as a professional guide without holding a separate professional guide's license.

(c) In addition to subsection (a) of this section, an applicant for an outfitter's license shall report:

(i) Any conviction or forfeiture of any bond amount for a violation of federal or state law or applicable regulation relating to wildlife, game and fish within five (5) years before the date of filing license application;

(ii) Any felony conviction; and

(iii) Any conviction for a violation of federal or state law relating to criminal fraud and occurring within five (5) years prior to the date of filing application.

**W.S. 23-2-412. Qualifications for professional guide's license; valid during employment by outfitter only; required reporting of criminal history.**

(a) An applicant for a professional guide's license under this act shall meet the following qualifications:

(i) At least eighteen (18) years of age;

(ii) Employed by or operating under an independent contract with a licensed outfitter.

(iii) and (iv) Repealed by Laws 1991, ch. 156, § 2.

(v) Have committed no violations of W.S. 23-2-416 (a).

(b) A professional guide's license issued under this act is valid only while the licensee is employed by or operating under an independent contract with a licensed outfitter.

(c) Once in every twelve (12) month period, an applicant may receive a license allowing him to provide guiding services under this act for not more than fourteen (14) consecutive days by paying the fee set forth in W.S. 23-2-414 (a).

(d) A licensed outfitter contracting with a professional guide for guiding services shall be responsible for the conduct of the independent contractor guide as if he were an employee.

(e) In addition to subsection (a) of this section, an applicant for a professional guide's license shall report:

(i) Any conviction or forfeiture of any bond amount for a violation of federal or state law or applicable regulation relating to wildlife, game and fish within five(5) years before the date of filing license application;

(ii) Any felony conviction; and

(iii) Any conviction for a violation of federal or state law relating to criminal fraud and occurring within five (5) years prior to the date of filing application.

**W.S. 23-2-413. Application for licensure; fee; required examination; investigation by the board; liability insurance required for outfitters.**

(a) Application for a license authorized by this act shall be made upon a form prescribed and furnished by the board, contain information required by the board and be signed by the applicant. The board may impose an application fee of not to exceed a reasonable amount necessary to defray the costs

incurred in processing the application, administering the examination required by this section and conducting necessary investigation.

(b) Each applicant for a license under this act shall submit to examination by the board. The examination shall be administered by the board and shall:

- (i) Be standardized for each type of license issued under this act;
- (ii) Require sufficient knowledge of the services to be provided under the license;
- (iii) Test the ability of the applicant to perform services under the license in a safe manner; and
- (iv) Require special knowledge applicable to the particular type of license for which application is made.

(c) In addition to examination under subsection (b) of this section, the Board may investigate the qualifications of the applicant to ensure compliance with this act.

(d) The board shall require the applicant for a license under this section to post and maintain a liability insurance policy to protect clients and property owners against injury or damage as a result of negligence by outfitters or their agents or employees. The limits of coverage shall be not less than twenty-five thousand dollars (\$25,000.00) for property damage and for personal injury or death, not less than one hundred thousand dollars (\$100,000.00) for injury to or death of one (1) person and not less than three hundred thousand dollars (\$300,000.00) for all injuries or death from any one (1) occurrence.

**W.S. 23-2-414. License issuance; fees; term of license; renewal; disposition of collected fees.**

(a) Upon passage of required examination and if it determines the applicant is otherwise in compliance with the requirements of this act and its rules and regulations, the board may issue a license upon payment of the applicable fee as established by the board pursuant to W.S. 33-1-201.

(b) A license issued under this act is valid for the calendar year in which issued and shall expire on December 31<sup>st</sup> of that year unless earlier expiring pursuant to W.S. 23-2-412 (b) or otherwise suspended or revoked.

(c) A license may be renewed upon submission of application with the Board in accordance with its rules and regulations and payment of the appropriate fee prescribed under subsection (a) of this section.

(d) All fees collected by the board pursuant to this act shall be deposited with the state treasurer. Upon receipt, the state treasurer shall credit the revenues to an account within the trust and agency fund. Expenditures from the account shall be for expenses incurred by the board in administering this act.

**W.S. 23-2-415. Licensed outfitters and professional guides to report violations.**

(a) An outfitter or professional guide licensed under this act shall promptly report any violation of federal or state law or regulation governing wildlife, game and fish observed by him to any commissioned game and fish law enforcement officer, a representative of the involved federal land management agency or to the board.

**W.S. 23-2-416. License suspension and revocation; grounds; payment of damages; proceedings.**

(a) The board may require a licensee to pay damages as provided by subsection (b) of this section, may refuse to issue or renew or may suspend or revoke a license issued under this act or may otherwise discipline a licensee for any of the following causes:

- (i) Fraud or substantial misrepresentation in obtaining a license under this act;
- (ii) Fraudulent advertising;

- (iii) Conviction of a felony;
- (iv) Violation of any significant federal or state law or related regulations pertaining to wildlife, game and fish;
- (v) Unethical or dishonorable conduct;
- (vi) A substantial breach of contract with any person using outfitting or professional guiding services of the licensee;
- (vii) Willful violation of the terms and conditions under which the license is issued;
- (viii) Inhumane treatment of any animal;
- (ix) Willfully endangering the health and safety of any person;
- (x) Violation of this act or any rule or regulation of the board.

(b) If a client of an outfitter or professional guide licensed under this act is injured by any of the causes specified under subsection (a) of this section, the board may require the outfitter or guide as a condition of returning his license, to pay to the client any court ordered damages including any:

- (i) Fees paid by the client to the outfitter or guide;
- (ii) Actual travel and lodging expenses incurred by the client in attempting to use the outfitter's or guide's services; and
- (iii) Other actual expenses incurred by the client in attempting to use the outfitter's or guide's services.

(c) Except as provided in subsection (d) of this section, suspension and revocation proceedings under this section shall be conducted in accordance with the Wyoming Administrative Procedure Act.

(d) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

**W.S. 23-2-417. Violation in general; penalties.**

(a) Any person violating any provision of this act is guilty of a misdemeanor punishable by a fine of not to exceed five thousand dollars (\$5,000.00).

(b) In addition to subsection (a) of this section, the court may in its discretion, revoke any license issued under this act or W.S. 23-1-101 through 23-6-208, to any person violating this act, for the remainder of the year in which the conviction occurs, and may suspend the person's privilege to receive any license under this act or under W.S. 23-1-101 through 23-6-208, for a period not to exceed five (5) years.

**W.S. 23-2-418. Compensation of person not licensed under this act prohibited; penalty.**

(a) No person shall directly or indirectly compensate a person holding himself out as engaging in the business of or acting in the capacity of an outfitter or a professional guide unless that person provides proof that he is a licensed outfitter or professional guide as required by this act.

(b) Any person violating this section is guilty of a misdemeanor as prescribed under W.S. 23-2-417 (a).

Laws 1997, ch. 79, § 3, provides: "The Game & Fish Department shall, through its publications, and other reasonable means, including providing information when mailing licenses to successful applicants, notify all applicants for game and fish licenses of the provisions of W.S. 23-2-418."

**W.S. 33-1-201. Fees generally.**

(a) Except as otherwise specifically provided by statute, a board or commission authorized to establish examination, inspection, permit or license fees for any profession or occupation regulated under this title or under Title 23 shall establish those fees in accordance with the following:

(i) Fees shall be established by rule or regulation promulgated in accordance with the Wyoming Administrative Procedure Act;

(ii) Fees shall be established in an amount to ensure that, to the extent practicable, the total revenue generated from the fees collected approximates, but does not exceed, the direct and indirect costs of administering the regulatory provisions required for the profession or occupation under this title;

(iii) The board or commission shall maintain records sufficient to support the fees charged.

**W.S. 1-41-103. Self-insurance account; creation; authorized payments.**

(a) There is created a state self-insurance account within the earmarked revenue fund. The account shall be in such amount as the legislature determines to be reasonably sufficient to meet anticipated claims. In addition to any legislative appropriation, the account shall include all authorized transfers of monies to the account, all income from investments of monies in the account and payments by insurance or reinsurance companies. The account may be divided into subaccounts for purposes of administrative management. Appropriations to the account shall not lapse at the end of any fiscal period.

(b) The self-insurance account shall maintain sufficient reserves for incurred but unpaid claims as well as incurred but unreported claims.

(c) Expenditures shall be made out of the self-insurance account for the following claims which have been settled or reduced to final judgment:

(i) Claims brought against the state or its public employees under the Wyoming Governmental Claims Act, provided any amount up to two thousand five hundred dollars (\$2,500.00) paid for or in defense of each claim involving an automobile, physical damage, a settlement or adverse judgment shall be reimbursed to the self-insurance account by the state agency, from its existing budget, against which the claim is brought or which employs the public employee against whom the claim is brought;

(ii) Claims against the state or its public employees, or a state judicial officer exercising the authority vested in him, arising under 42 U.S.C. 1983 or other federal statutes, which the state has obligated itself to pay under subsection (e) of this section, provided any amount up to two thousand five hundred dollars (\$2,500.00) paid for or in defense of each claim resulting in settlement or adverse judgment shall be reimbursed to the self-insurance account by the state agency, from its existing budget, against which the claim is brought or which employs the public employee against whom the claim is brought;

(iii) Claims against a peace officer employed by the Wyoming State Board of Outfitters and Professional Guides, The University of Wyoming or a local government brought under the Wyoming Governmental Claims Act, provided:

(A) The act or omission upon which the claim is based has been determined by a court or jury to be within the peace officer's scope of duties;

(B) The indemnification for the judgment shall not exceed the limits provided by W.S. 1-39-118; and

(C) Any amount up to twenty thousand dollars (\$20,000) paid for or in defense of each claim shall be paid on a dollar for dollar matching basis from the fund and from The University of Wyoming or the local government employing the peace officers; and

(D) Any amount up to twenty thousand dollars (\$20,000.00) paid for or in defense of each claim against a peace officer employed by the Wyoming State Board of Outfitters and Professional Guides shall be paid by the board.

(iv) Claims against a peace officer employed by the Wyoming State Board of Outfitters and Professional Guides, The University of Wyoming or a local government arising under 42 U.S.C 1983 or other federal statutes provided:

(A) Any amount up to twenty thousand dollars (\$20,000.00) paid from the account for or in defense of each claim shall be paid on a dollar for dollar matching basis from the fund and from the University of Wyoming or local government employing the peace officer; and

(B) Any amount up to twenty thousand dollars (\$20,000.00) paid for or in defense of each claim against a peace officer employed by the Wyoming State Board of Outfitters and Professional Guides shall be paid by the board; and

(C) The conditions and limitations of subsection (e) of this section apply to all claims under this paragraph.

(v) Claims against contract physicians brought under the Wyoming Governmental Claims Act or federal law, provided:

(A) The contract physician is unable to procure medical malpractice insurance coverage up to the limits specified in W.S. 1-39-110(b) or 1-39-118(a) as applicable;

(B) The liability of the state shall not exceed limits specified in W.S. 1-39-118(a) except as the limitations may be increased by W.S. 1-39-110(b) both reduced by the amount of the contract physician's malpractice insurance coverage applicable to such claim; and

(C) The claim arises from services performed by the contract physician for a state institution.

(d) Expenditures may also be made out of the self-insurance account for:

(i) Expenses related to claims under subsection (c) of this section;

(ii) Costs of purchasing services, including loss prevention, risk and claims control, legal, actuarial, investigative, support and adjustment services; and

(iii) Cost of insurance or reinsurance premiums consistent with market availability;

(iv) Administrative expenses incurred by the division under this act including the cost of necessary personnel within the office of the attorney general, as may be mutually agreed upon by the risk manager and the attorney general, to handle claims arising under this act.

(e) The state shall defend claims against its public employees, or a state judicial officer exercising the authority vested in him, arising under 42 U.S.C. 1983 or other federal statutes, subject to the following conditions:

(i) The state shall defend and, to the extent provided by paragraph (v) of this subsection, indemnify any of its public employees against any claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the scope of duty;

(ii) Repealed by Laws 1988, ch. 50, § 2.

(iii) If any civil action, suit or proceeding is brought against any public employee of the state which on its face falls within the provisions of paragraph (i) of this subsection, or which the public employee asserts to be based in fact upon an alleged act or omission in the scope of duty, the state shall appear and defend the public employee under an automatic reservation of right by the state to reject the claim unless the act or omission is determined to be within the scope of duty;

(iv) Any public employee of the state against whom a claim within the scope of this subsection is made shall cooperate fully with the state in the defense of the claim. If the state determines that the public employee has not cooperated or has otherwise acted to prejudice defense of the claim, the state may at any time reject the defense of the claim;

(v) Unless the act or omission upon which a claim is based is determined by the court or jury to be within the public employee's scope of duty, no public funds shall be expended in payment of the final judgment against the public employee;

(vi) Nothing in this subsection shall be deemed to:

(A) Increase the limits of liability under W.S. 1-39-118 for claims brought under the Wyoming Governmental Claims Act;

(B) Affect the liability of the state itself or of any of its public employees on any claim arising out of the same accident or occurrence; or

(C) Waive the protection of the state or its public employees from liability where immunity has not been specifically waived.

#### **W.S. 6-1-104. Definitions**

(a) As used in W.S. 6-1-101 through 6-10-203 unless otherwise defined:

(i) "Bodily injury" means physical pain, illness or any impairment of physical condition;

(ii) "Coin machine" means a mechanical or electronic device or receptacle designed to:

(A) Receive a coin, bill or token made for that purpose; and

(B) Automatically offer, provide or assist in providing or permit the acquisition of property or service in return for the insertion of the coin, bill or token.

(iii) "Criminal negligence" is defined as the following conduct: A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, he fails to perceive a substantial and unjustifiable risk that the harm he is accused of causing will occur, and the harm results. The risk shall be of such nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation;

(iv) "Deadly weapon" means but is not limited to firearm, explosive, or incendiary material, motorized vehicle, and animal or other device, instrument, material or substance, which in the manner it is used or is intended to be used is reasonably capable of producing death or serious bodily injury;

(v) "Occupied structure" means a structure or vehicle whether or not a person is actually present:

(A) Where any person lives or carries on business or other calling;

(B) Where people assemble for purposes of business, government, education, religion, entertainment or public transportation;

(C) Which is used for overnight accommodation of persons; or

(D) In which a person may reasonably be expected to be present.

(vi) "Peace officer" includes the following officers assigned to duty in the State of Wyoming:

(A) Any duly authorized sheriff, under sheriff or deputy sheriff;

(B) Any duly authorized member of a municipal police force, a college or university campus police force or the Wyoming Highway Patrol;

(C) Game and Fish law enforcement personnel qualified pursuant to W.S. 7-2-101 and when enforcing Wyoming felony statutes following observation or discovery of the commission of a felony, during the performance of their statutory duties, or while responding to requests to assist other peace officers performing their official duties;

(D) Agents of the division of criminal investigations appointed pursuant to W.S. 9-1-613 and capitol police designated under W.S. 9-1-612 who have qualified pursuant to W.S. 9-1-701 through 9-1-707;

(E) Any duly authorized arson investigator employed by the state fire marshal;

(F) Inspectors of the Wyoming livestock board authorized under W.S. 11-20-201 who have qualified pursuant to W.S. 9-1-701 through 9-1-707 when enforcing W.S. 11-19-101 through 11-24-115 and 11-29-101 through 11-30-113 and any laws prohibiting theft or mutilation of livestock or any part thereof; and

(G) Federal law enforcement agents; and

(H) Investigators employed by the Wyoming State Board of Outfitters and Professional Guides and qualified pursuant to W.S. 9-1-701 through 9-1-707, when enforcing W.S. 23-2-401 and 23-2-406 through 23-2-418 and board rules and regulations promulgated under W.S. 23-2-410 (a)(ii).

(J) Any duly authorized detention officer who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when engaged in the performance of his duties while supervising a detainee who had been convicted as a felon; and

(K) Any person employed by the state department of corrections on a full-time basis as a correctional officer to care for, supervise and control persons under custody of the department, when the person is engaged in the performance of his duties.

(vii) "Person" includes an individual, partnership, corporation, joint stock company or any other association or entity, public or private;

(viii) "Property" means anything of value whether tangible or intangible, real or personal, public or private;

(ix) "Recklessly" is defined as the following conduct: A person acts recklessly when he consciously disregards a substantial and unjustifiable risk that the harm he is accused of causing will occur, and the harm results. The risk shall be of such nature and degree that disregarding it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation;

(x) "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes miscarriage, severe disfigurement or protracted loss or impairment of the function of any bodily member or organ;

(xi) "Vehicle" means any device by which persons or property may be moved, carried or transported over land, water or air;

(xii) "Violent felony" means murder, manslaughter, kidnapping, sexual assault in the first or second degree, robbery, aggravated assault, aircraft hijacking, arson in the first or second degree or aggravated burglary.

**7-2-101. Definitions**

(a) As used in W.S. 7-2-101 through 7-2-105:

(i) "Deadly weapon" means as defined by W.S. 6-1-104(a)(iv);

(ii) "Felony" means as defined by W.S. 6-10-101;

(iii) "Misdemeanor" means as defined by 6-10-101;

(iv) "Peace officer" means:

(A) Any duly authorized sheriff, under sheriff or deputy sheriff who has qualified pursuant to W.S. 9-1-701 through 9-1-707;

(B) Any duly authorized member of a municipal police force, a college or university campus police force or the Wyoming Highway Patrol who has qualified pursuant to W.S. 9-1-701 through 9-1-707;

(C) Game and fish law enforcement personnel qualified pursuant to W.S. 9-1-701 through 9-1-707 and when enforcing Wyoming felony statutes following observation or discovery of the commission of a felony, during the performance of their statutory duties, or while responding to requests to assist other peace officers performing their official duties;

(D) Agents of the division of criminal investigation appointed pursuant to W.S. 9-1-613 and capitol police designated under W.S. 9-1-612 who have qualified pursuant to W.S. 9-1-701 through 9-1-707;

(E) Inspectors of the Wyoming livestock board authorized under W.S. 11-18-101 through 11-18-113 and 11-20-201 or duly authorized investigators of the Wyoming livestock board who have qualified pursuant to W.S. 9-1-701 through 9-1-707 when enforcing W.S. 11-19-101 through 11-24-115 and 11-29-101 through 11-30-113 and any laws prohibiting theft, killing or mutilation of livestock or any part thereof;

(F) Any duly authorized arson investigator employed by the state fire marshal who has qualified pursuant to W.S. 9-1-701 through 9-1-707.

(G) Any superintendent, assistant superintendent or full-time park ranger of any state park or historic site who has qualified pursuant to W.S. 9-1-701 through 9-1-707, when acting within the boundaries of the state park or historic site, or when responding to a request to assist other peace officers performing their official duties; and

(H) Any duly authorized detention officer in the performance of his duties and who has qualified pursuant to W.S. 9-1-701 through 9-1-707; and

(J) Investigators employed by the Wyoming State Board of Outfitters and Professional Guides and qualified pursuant to W.S. 9-1-701 through 9-1-707, when enforcing W.S. 23-2-401 and 23-2-406 through 23-2-418 and board rules and regulations promulgated under W.S. 23-2-410(a)(ii).

**9-3-402. Definitions.**

(a) As used in this article:

(xviii) "Law enforcement officer" or "officer" means any member who is a county sheriff, deputy county sheriff, municipal police officer, duly authorized investigator of the Wyoming livestock board meeting the specifications of W.S. 7-2-101(a) (iv) (E), investigator employed by the Wyoming state board of outfitters and professional guides meeting the specifications of W.S. 7-2-101(a) (iv) (J), Wyoming correctional officer, Wyoming law enforcement academy instructor, University of Wyoming campus police officer, detention officer or dispatcher for law enforcement agencies;

**9-3-432. Law enforcement officers; contributions; benefit eligibility; service and disability benefits; death benefits; benefit options.**

(j) Notwithstanding W.S. 9-3-421, any surviving spouse of an officer who dies in the scope of employment shall receive a monthly payment equal to sixty-two and one-half percent (62.5%) of the officer's salary at the time of death, plus six percent (6%) of that salary for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary. Any surviving spouse of an officer who dies outside of the scope of the employment shall receive a monthly payment equal to fifty percent (50%) of the officer's salary at the time of death, plus six percent (6%) of that salary for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary. Notwithstanding any other provision in this subsection, any surviving spouse of any officer who retired under W.S. 15-5-301 through 15-5-314 shall receive a monthly pension equal to two-thirds (2/3) of the pension the retired law enforcement officer was receiving at the time of his death, plus sixty dollars (\$60.00) for each child under age eighteen (18), not to exceed one hundred percent (100%) of the officer's salary.

**Section 2.**

(a) Coverage of investigators employed by the Wyoming state board of outfitters and professional guides under W.S. 9-3-432 as provided by section 1 of this act shall not be implemented by the Wyoming retirement board until funds payable to the Wyoming retirement system are received for deposit into the retirement account, as necessary for maintaining the actuarial integrity of the account had funding all liability arising under this act, for years of service prior to the date of entry or expansion of coverage.

(b) In addition to subsection (a) of this section, W.S. 9-3-432, with respect to investigators employed by the Wyoming state board of outfitters and professional guides, shall not be implemented by the Wyoming retirement board until funds necessary for maintaining the actuarial integrity of the account and funding any liability arising under this act, are deposited into the Wyoming retirement account by the Wyoming state board of outfitters and professional guides, and contributions required under W.S. 9-3-432 (a) and (b) are paid to the Wyoming retirement system for deposit into the retirement account for at least two (2) months of covered service following the date of entry coverage, as applicable.