

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-1201

NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Section 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing in response to requests from the interested persons. The action is authorized pursuant to Sections 36-2107(b) and (d), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Wednesday, November 13, 2013, 3 p.m to 5 p.m.

**CSC Building at Orchard Place
Conference Room
1301 N. Orchard Street
Boise, Idaho**

Please access the CSC Building at Orchard Place Conference Room from the west side of the building via Kendall or Irving streets. You are asked to park in the parking lot on the west side of the building.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

All written comments received and oral presentations given at this public hearing must address the subject matter under consideration in the proposed rule only. The proposed rule published under docket 25-0101-1201 in the October 2, 2013 Idaho Administrative Bulletin, **Vol. 13-10, pages 357 through 359**. It is the deletions and additions being proposed in this docket to which public comment must be directed. Individual oral presentations may be limited to no more than 5 five minutes.

DESCRIPTIVE SUMMARY: The summary of this action is as follows:

Idaho law states that an outfitter is “any individual, firm, partnership, corporation or other organization or any combination thereof, 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.” Section 36-2102, Idaho Code. This includes private landowners.

In 1992, the Idaho Supreme Court (*State v. Koller*, 112 Idaho 409) held that the outfitting and guides act regulates commercial outfitting whether it’s occurring on public or private lands and that the State of Idaho has jurisdiction. As the result, private land owners have been licensed as outfitters themselves, have designated agents (including existing outfitters) as employees to provide facilities and services and have leased lands to others for outfitting purposes.

These proposed rules recognize a land owner's right to control use of their lands. They are intended clarify and enhance a private land owners ability to allow public access to their private lands and in doing so, they also are intended to clarify outfitted use and license requirements when outfitted facilities and services are provided by the landowner or by someone authorized by the land owner to do so.

The proposed rule also is intended clarify existing rules to address a concern over the loss of access due to the proliferation of organizations/clubs operating commercially due to ambiguity in existing rules. In doing so, organizations/clubs offering outfitted facilities and services including acquiring access to private or public land for hunting, fishing or hazardous excursions and for commercial gain will be governed by the same limits/restrictions set forth in these rules and governing licensed commercial outfitters.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Jake Howard, Executive Director (208) 327-7380 - FAX (208) 327-7382.

Written comments regarding this proposed rulemaking will be accepted at the public hearing. All written comments submitted at the public hearing carry the same weight as an oral presentation and receive equal consideration.

DATED this October 16, 2013.

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