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Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Resources & Environment Committee and the House Resources & Conservation Committee

FROM: Principal Legislative Research Analyst - Katharine Gerrity

DATE: October 06, 2015

SUBJECT: Outfitters and Guides Licensing Board

IDAPA 25.01.01 - Rules of the Idaho Outfitters and Guides Licensing Board - Proposed Rule (Docket No. 25-0101-1501)

The Outfitters and Guides Licensing Board submits notice of proposed rule at IDAPA 25.01.01 - Rules of the Idaho Outfitters and Guides Licensing Board. The board indicates that the rulemaking clarifies individual use areas and conforms state licensed outfitter boating limits on the South Fork of the Snake River, a section of the Henry's Fork of the Snake River, a section of the Snake River above Idaho Falls and a section of the Teton River with federal permit requirements. The board notes that these requirements will be established in a decision record for Interagency Management of Special Recreation Permits/Special Use Permits and Designated Camping within the Snake River Planning Area and Teton River Canyon developed by the Upper Snake Field Office, BLM, Palisades Ranger District and U.S. Forest Service. The board goes on to note that the rule also grandfathers in one outfitter historically licensed for waterfowl hunting on a portion of the South Fork of the Snake River.

The board states that negotiated rulemaking was not conducted due to the fact that the rivers are fully or partly managed, and various uses permitted, by the BLM and the U.S. Forest Service. The board indicates that the rule is the result of those agencies working together to develop a draft environmental assessment that received public comments. The board notes that the federal agencies will coordinate with the state regarding the proposed rule and will issue a decision record at the same time the state issues a final rule to afford consistency between all agencies. The board adds that it has concluded that the processes used by the federal agencies has met or exceeded the public involvement processes required by the Administrative Procedures Act and by doing so greatly supplements the board in its rule promulgation process. The board states that the federal rulemaking has significantly considered public need and interest, as well as the appropriate uses and conservation of these river resources, and that promulgation of the rules will allow it to further take these matters into consideration. The rulemaking appears to be authorized pursuant to Section 36-2107, Idaho Code.

cc: Outfitters and Guides Licensing Board
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