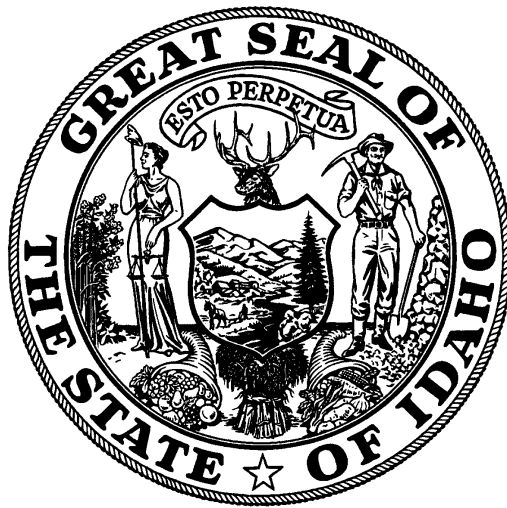


PENDING RULES COMMITTEE RULES REVIEW BOOK

**Submitted for Review Before
House Resources &
Conservation Committee
66th Idaho Legislature
First Regular Session – 2021**



Prepared by:

*Office of the Administrative Rules Coordinator
Division of Financial Management*

January 2021



State of Idaho
DIVISION OF FINANCIAL MANAGEMENT
Executive Office of the Governor

BRAD LITTLE
Governor

ALEX J. ADAMS
Administrator

January 11, 2021

MEMORANDUM

TO: **Members of the 2021 Idaho State Legislature**

FROM: **Alex J. Adams, Administrator** *Alex J. Adams*
Bradley A. Hunt, Rules Coordinator *Bradley A. Hunt*

SUBJECT: **Overview of Executive Agency Rulemaking in 2020**

Background. Governor Little initiated a rules moratorium for calendar year 2020 and thus the volume of rulemaking is down substantially relative to most years. Most rules published in the Legislative Rules Review book are simply re-published because the 2020 Legislature adjourned *sine die* without passing a concurrent resolution approving any pending fee rules as specified in Section 67-5224, Idaho Code. The necessary fee rules were re-published in the following special bulletins:

- [April 15](#) – Temporary Fee Rules
- [September 16](#) – Proposed Fee Rules
- [November 18](#) – Pending Fee Rules

Changes in Existing Fee Rules. Since all fee rules expired upon sine die, there is no existing rule available to amend. Therefore, only a clean version of the rule chapter is able to be presented to the Legislature in January 2021. In some cases, fee rules were modified based on public comment, or to implement Executive Order [2020-13](#), among other reasons. Given the unprecedented volume, all edits are incorporated within a single docket and presented as a clean fee rule chapter. There are several ways that legislators may view previous rules for comparison purposes:

- An [archive of any rule](#) since 1996 is available on the DFM website. This allows legislators to see the evolution of a rule over time.
- The Legislative Services Office analyzes all proposed rules. You can find their analysis of proposed rules which, in some cases, may discuss changes to rules between sine die and the proposed rules. These may be found on the [Legislature's website](#).
- Changes made between the proposed and pending rule stages were noted in the [November 18th](#) bulletin where applicable.

Process for Approving/Extending Rules. Below, you will find a brief description on legislative actions and outcomes regarding the rules review process and contents of the Legislative Rules Review Books:

- Pending Fee Rules must be affirmatively approved by both bodies via adoption of concurrent resolution to become final.
- Temporary Rules must be affirmatively approved by both bodies via adoption of concurrent resolution to be extended.
- Pending Rules become final and effective sine die unless rejected, in whole or in part, via concurrent resolution adopted by both bodies.
 - Pending rules may be approved, in whole or in part, or rejected if determined to be inconsistent with legislative intent of the governing statute.
 - If rejected, new or amended language must be identified at a numerical or alphabetical designation within the rule and specified in the concurrent resolution.
- A link to LSO's proposed rule analysis is provided at the beginning of each docket and includes any required supporting documentation (e.g. Cost Benefit Analysis (CBA), Incorporation By Reference Synopsis (IBRS)) as part of the analysis.
- All 2021 review books can be accessed on the DFM website [here](#).

Contact Information. If questions arise during the rules review process, please do not hesitate to contact the Rules Coordinator, Brad Hunt: Brad.Hunt@dfm.idaho.gov; 208-854-3096.

HOUSE RESOURCES & CONSERVATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

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NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Proposed Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2021 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104(b), 36-301, 36-401 through 413, 36-1101, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2020 Idaho Administrative Bulletin, [Vol. 20-9, pages 26-30](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There is no fiscal impact to the state general fund.

1. The proposed rule to change the application period for the Landowner Appreciation Program will have no fiscal impact.

2. The proposed rule to provide the Commission the authority to limit the number of nonresident DAV deer and elk tags would cap potential revenue to the Department's Fish and Game fund from sales of these tag types and related nonresident DAV hunting licenses. All future year revenue from sales of these tag types would likely be lower than 2019 and 2020 tag sales, unless nonresident DAVs choose to still purchase nonresident DAV hunting licenses and equivalent amount of general tag items that would otherwise be unsold. If nonresident DAVs purchase other nonresident items instead of nonresident DAV tags (once nonresident DAV deer and elk tags sell out), Department revenue from license and tag sales to nonresident DAVs could remain neutral or increase.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Toby Boudreau at (208) 334-2920.

Dated this 6th day of November, 2020.

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THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-104(b), 36-301, 36-401 through 413, and 36-1101, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

1. The rulemaking would change the application period for Landowner Appreciation Program (LAP) controlled hunt tags to May 15 through June 15. Applications for LAP controlled hunt tags are currently accepted from June 15 through July 15. Moving the application period to an earlier time in the year would provide additional processing time and help ensure that the Department can provide timely draw result notification to landowners, especially for hunts beginning in August.

2. This rulemaking would provide the Commission the authority to limit the number of nonresident Disabled American Veterans (DAV) deer and elk tags. Nonresident DAV deer and elk tags are not subject to statewide quotas like other nonresident deer and elk tags (IDAPA 13.01.04.550), and nonresident DAV tags are significantly lower in price than other nonresident tags. The rulemaking proposes to limit discounted tags for nonresident DAVs to 500 deer and 300 elk tags. This rulemaking would not restrict the ability of nonresident DAVs to purchase available nonresident general deer and elk tags, with purchase of a discounted nonresident DAV hunting license. This rulemaking would not also restrict the ability of nonresident DAVs to purchase discounted nonresident DAV muzzleloader or archery permits, black bear tags or turkey tags. Nonresident DAV participation in deer and elk hunts has been growing, and this rulemaking would be in concert with other Commission actions to manage nonresident participation in general to address hunter congestion. From 2016 to 2019, nonresident DAV elk tag sales increased from 910 to 1,682 and nonresident DAV deer tag sales increased from 1,149 to 1,839. Nonresident DAV deer and elk tags cost \$22.00 and \$38.00, respectively, and it is reasonable to expect continued growth in at least the near term if tags are not limited.

FEE SUMMARY: The proposed rules have no associated fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking:

There is no fiscal impact to the state general fund because IDFG licensing fees are managed in a dedicated fund.

1. The proposed rule to change the application period for the Landowner Appreciation Program will have no fiscal impact.

2. The proposed rule to provide the Commission the authority to limit the number of nonresident DAV deer and elk tags would cap potential revenue to the Department's Fish and Game fund from sales of these tag types and related nonresident DAV hunting licenses. All future year revenue from sales of these tag types would likely be lower than 2019 and 2020 tag sales, unless nonresident DAVs choose to still purchase nonresident DAV hunting licenses and equivalent amount of general tag items that would otherwise be unsold. If nonresident DAVs purchase other nonresident items instead of nonresident DAV tags (once nonresident DAV deer and elk tags sell out), Department revenue from license and tag sales to nonresident DAVs could remain neutral or increase.

Descriptive summary of fiscal impact, based on 2019 tag sales:

- Current tag sales framework (unlimited number of nonresident DAV deer and elk tags available):
 - Revenue from 2019 nonresident DAV deer tag sales: 1,839 tags at \$22.00 = \$40,458.
 - Revenue from 2019 nonresident DAV elk tag sales: 1,682 tags at \$38.00 = \$63,916.
 - Total 2019 nonresident DAV deer and elk tag sales = \$104,374.
- Proposed tag sales framework (restricted number of discounted deer and elk tags available):
 - Revenue from sale of 500 nonresident deer tag sales = 500 tags at \$22.00 = \$11,000.
 - Revenue from sale of 300 nonresident elk tag sales = 300 tags at \$38.00 = \$11,400
 - Total revenue = \$22,400
- Potential revenue reduction from above:
 - \$104,374 - \$22,400 = (\$81,974).
- Revenue neutral example of estimated revenue from the sale of 90 deer and 80 elk tags to nonresident DAV's at regular nonresident prices (once the discounted 500 deer and 300 elk tags sell out):
 - 90 deer tags: 90 tags at \$350.00 = \$31,500
 - 80 elk tags: 80 tags at \$650.00 = \$52,000
 - Total Revenue = \$83,500
- Net impact from above example:
 - $(\$81,974) + \$83,500 = \$1,526$ or roughly revenue neutral.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, page 28](#). This Notice identified the opportunity to provide rulemaking input during a 21-day comment period. The agency received 482 responses via on-line submissions regarding the proposal to change the application period for Landowner Appreciation Program controlled hunt tags. The agency received 1,121 responses via on-line submissions regarding the proposal to provide the Commission the authority to limit the number of deer and elk tags made available annually to nonresident Disabled American Veterans (DAV) at discounted prices. The Notice also identified the opportunity for people to express interest in participating in negotiated rulemaking meetings. No commenter stated interest in negotiated rulemaking meetings. Before advancing proposed rules, the agency provided an opportunity for in-person comment at a public hearing held during the quarterly meeting of the Commission in Idaho Falls on July 22, 2020. Pursuant to Section 67-5221, Idaho Code, the agency proceeded with proposed rulemaking.

INCORPORATION BY REFERENCE: Not Applicable

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact Toby Boudreau at (208) 334-2920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 31st day of July, 2020.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-2002

400. LANDOWNER APPRECIATION PROGRAM (LAP).

01. Property and Landowner Registration. (3-20-20)

a. Only landowners who have registered their eligible property with the Department are eligible to apply for LAP controlled hunt tags for deer, elk, pronghorn, and/or black bear. Registered landowners must notify the Department of any changes in property ownership or eligibility. (3-20-20)

b. Registration of an eligible property and landowner applicant will be on a form prescribed by the Department. The landowner must submit the registration form; a copy of the deed(s) and the most recent tax assessment(s) describing the eligible property and showing the name(s) of the owner(s); and a map of the eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to the landowner. (3-20-20)

c. If the person registering is an authorized corporate or partnership representative, the registration will include written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (3-20-20)

02. Hunt Areas. LAP controlled hunt tags will be issued only for those controlled hunt areas designated by the Commission as eligible for such tags. (3-20-20)

03. Tag Eligibility. Landowners may receive LAP controlled hunt tags only for the species and sex that use the eligible property and only for LAP hunt areas in which the registered property is located. (3-20-20)

04. Controlled Hunt Applications. Applications for LAP controlled hunt tag(s) will be on a form prescribed by the Department. (3-20-20)

a. Applications from landowners with six hundred forty (640) acres or more will be accepted on or after ~~June~~ **May** 15 of each year. Applications submitted in person or mailed to the Department main office or any Regional Office, postmarked not later than ~~July~~ **June** 15 of each year, will be entered in the random drawing for LAP controlled hunt tags. Each application will be entered in the random drawing one (1) time based upon each six hundred and forty (640) acres of eligible property registered by the landowner that are within the LAP controlled hunt area. ~~For example, if a landowner has six thousand four hundred (6,400) eligible acres, the application will be entered into the random drawing ten (10) times.~~ (3-20-20)()

b. One (1) application may be submitted by a landowner with eligible property consisting of six hundred forty (640) acres to four thousand nine hundred ninety-nine (4,999) acres. A second application may be submitted for eligible property consisting of five thousand (5,000) acres or more. (3-20-20)

05. Left Over Tags. Landowners with eligible property consisting of three hundred twenty (320) acres or more may apply for left-over tags following the random draw. Written applications will be accepted beginning on the first business day on or after August 15 of each year on a first-come, first-served basis, provided they are accompanied by the appropriate application fee as specified in Section 36-416, Idaho Code. (3-20-20)

06. Issuance of Controlled Hunt Tag(s). (3-20-20)

a. Once the Commission has determined the number of controlled hunt tags to be issued in any controlled hunt area, an additional ten percent (10%) of the number of controlled hunt tags may be issued as LAP tags. In subsequent years up to twenty-five percent (25%) of the number of controlled hunt tags may be issued only if the hunt is over subscribed by eligible LAP applicants. (3-20-20)

b. Where the number of LAP applicants exceeds the number of LAP controlled hunt tags available in an area, successful applicants will be determined by drawing. All eligible landowners in the drawing will be considered for one (1) tag before any landowner is eligible for a second tag. (3-20-20)

- c. No more than two (2) LAP controlled hunt tags may be issued to any eligible landowner. (3-20-20)
- d. Only one (1) leftover LAP controlled hunt tag may be issued for eligible property consisting of between three hundred twenty (320) and six hundred thirty-nine (639) acres within a LAP controlled hunt area. Only one (1) LAP controlled hunt tag may be issued for eligible property consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres within a LAP controlled hunt area. One (1) additional controlled hunt tag may be issued to a landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres within a LAP controlled hunt area. No landowner or designated agent(s) is eligible to receive more than one (1) LAP controlled hunt tag for one (1) species in a calendar year. (3-20-20)
- e. A successful landowner, corporate or partnership representative drawing a LAP controlled hunt tag may designate an eligible individual to whom the controlled hunt tag will be issued. (3-20-20)
- 07. Sale or Marketing Unlawful.** It is unlawful to sell or market LAP controlled hunt tags. In addition to any statutory penalties, a violator of this provision will not be eligible to participate in the LAP program for three (3) years. (3-20-20)
- 08. Application of Controlled Hunt Restrictions.** (3-20-20)
- a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt does not apply to persons who are otherwise eligible to apply for a LAP controlled hunt tag. (3-20-20)
- b. LAP controlled hunts are exempt from limits or quotas on nonresident tags. (3-20-20)
- c. LAP controlled hunt tags are exempt from the one (1) year waiting periods for deer, elk and pronghorn controlled hunt applications under IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals," Section 257. (3-20-20)
- 09. Special Restrictions.** Any person hunting with a LAP controlled hunt tag may hunt only within the boundaries described in the LAP controlled hunt area. Bag and possession limits set forth in IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals," Section 200, apply to holders of LAP controlled hunt tags. (3-20-20)

(BREAK IN CONTINUITY OF SECTIONS)

550. NONRESIDENT DEER AND ELK TAG QUOTAS.

- 01. General Hunt Tag Quotas.** The following number of general hunt ~~deer tags and elk~~ tags will be set aside annually and reserved for sale to nonresidents: ~~(3-20-20)~~ ()
- a. Fourteen thousand (14,000) total deer tags (regular and white-tailed deer tags); (3-20-20)
- b. Twelve thousand eight hundred fifteen (12,815) total elk tags (A and B tags); (3-20-20)
- c. One thousand five hundred (1,500) white-tailed deer tags, available only upon sell out of deer tags referenced in Subsection 550.01.a. (3-20-20)
- 02. Disabled American Veteran Hunt Tag Quotas.** The following number of disabled American veteran general hunt tags will be set aside annually and reserved for sale to eligible nonresidents. ()
- a. Five hundred (500) total disabled American veteran deer tags (regular and white-tailed deer tags); ()
- b. Three hundred (300) total disabled American veteran elk tags (A and B tags). ()

023. Exceptions. ~~Sales of nonresident general hunt deer and elk tags~~ Tag sales to the following persons will not be counted in the quotas in Section 550 of these rules: ~~(3-20-20)~~()

a. Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (3-20-20)

b. Designated Buyers of unused nonresident tags to which the quota has already applied: an unused nonresident general hunt deer or elk tag, accompanied by a notarized affidavit stating that the tag buyer has not hunted, may be designated to another nonresident for purchase at the regular tag price, by the original buyer or an outfitter or guide retained by the original buyer, or absent such designation, may be sold by the Department on a first-come, first-serve basis. (3-20-20)

c. Holders of resident lifetime license certificates who are no longer Idaho residents. (3-20-20)

d. Holders of nonresident junior mentored ~~and disabled American veteran~~ tags. ~~(3-20-20)~~()

IDAPA 13 – DEPARTMENT OF FISH AND GAME
13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS
DOCKET NO. 13-0108-2001
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Proposed Rules Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2021 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-105, 36-405, 36-408, 36-409, 36-1101(a), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2020 Idaho Administrative Bulletin, [Vol. 20-9, pages 33-35](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Toby Boudreau at (208) 334-2920.

Dated this 6th day of November, 2020.

Paul Kline
Deputy Director
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THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-104, 36-105, 36-405, 36-408, 36-409, and 36-1101(a), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule would establish a one-year wait period for successful antelope controlled hunt applicants to be consistent with one-year wait periods for antlered deer and elk.

FEE SUMMARY: The proposed rule has no associated fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, page 30](#). This Notice identified the opportunity to provide rulemaking input, and the agency received 849 responses via on-line submissions during a 21-day comment period. The agency's Notice also identified the opportunity for people to express interest in participating in negotiated rulemaking meetings. No commenter stated interest in negotiated rulemaking meetings. Before advancing proposed rules, the agency provided an opportunity for in-person comment at a public hearing held during the quarterly meeting of the Commission in Idaho Falls on July 22, 2020. Pursuant to Section 67-5221, Idaho Code, the agency proceeded with proposed rulemaking.

INCORPORATION BY REFERENCE: Not Applicable

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact Toby Boudreau at (208) 334-2920. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 31st day of July, 2020.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0108-2001

257. ELIGIBILITY FOR CONTROLLED HUNT APPLICATION.

A person must possess an Idaho hunting license valid for taking game animals to apply for any controlled hunt for big game species. (3-20-20)

01. Bighorn Sheep. (3-20-20)

a. Any person whose name was drawn on a controlled hunt for any bighorn sheep is not eligible to apply for any bighorn tag for two (2) years. Except that a person may apply for a bighorn tag in the second application period or a leftover bighorn tag the following year. (3-20-20)

b. Any person who has killed a California bighorn ram is not eligible to apply for a California bighorn ram controlled hunt tag; and any person who has killed a Rocky Mountain bighorn ram is not eligible to apply for a Rocky Mountain bighorn ram controlled hunt tag, except any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram tag for any hunt north of Interstate Highway 84; and any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram tag for any hunt south of Interstate Highway 84. (3-20-20)

c. Any person who kills a bighorn ewe is not eligible to apply for another bighorn ewe controlled hunt tag for five (5) years. The harvest of a bighorn ewe does not make the person ineligible to apply for a tag to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe is not eligible to apply for any bighorn ram the same year. (3-20-20)

02. Mountain Goat. (3-20-20)

a. Any person whose name was drawn on a controlled hunt for mountain goat is not eligible to apply for a mountain goat tag for two (2) years. Except that a person may apply for a mountain goat tag in the second application period or a leftover mountain goat tag the following year. (3-20-20)

b. Any person who has killed a mountain goat since 1977 is not eligible to apply for a mountain goat tag. (3-20-20)

03. Moose. (3-20-20)

a. Any person whose name was drawn on a controlled hunt for moose is not eligible to apply for a moose permit for two (2) years. Except that a person may apply for a moose tag in the second application period or a leftover moose tag the following year. (3-20-20)

b. Any person who has killed an antlered moose in Idaho is not eligible to apply for a moose tag for antlered moose, and any person who has killed an antlerless moose in Idaho is not eligible to apply for a tag for antlerless moose except that any person may apply for tags remaining unsold after the controlled hunt draw. (3-20-20)

04. Antlered-Only Deer, Antlered-Only Elk, and Pronghorn. Any person whose name was drawn on a controlled hunt for antlered-only deer, antlered-only elk, or any pronghorn (including either sex, and doe and fawn) is not eligible in the following one (1) year to apply for any other controlled antlered-only deer hunt for one (1) year any controlled hunt for the respective species drawn (antlered-only deer, antlered-only elk, or any pronghorn). ()

i. Exceptions, that a person may drawn in the previous year remains eligible to apply for an antlered-only deer tag controlled hunts in the second application period, controlled hunts with an unlimited number of tags, or Landowner Appreciation Program hunts. or Such person is also eligible to purchase a leftover antlered-only deer tag the following year or Governor's Wildlife Partnership Tag. (3-20-20) ()

~~**05. Antlered-Elk.** Any person whose name was drawn on a controlled antlered-only elk hunt is not~~

~~eligible to apply for any other controlled antlered-only elk hunt for one (1) year. Except that a person may apply for an antlered-only elk tag in the second application period or a leftover antlered-only elk tag the following year. The one (1) year waiting period does not apply to controlled hunts with an unlimited number of tags, Landowner Appreciation Program tags, or Governor's Wildlife Partnership Tags. (3-20-20)~~

065. Grizzly Bear. No person who has killed a grizzly bear in Idaho may apply for a grizzly bear tag. (3-20-20)

076. Black Bear. Any nonresident applying for a controlled black bear hunt who wishes to use hounds must separately apply for a Hound Hunter Permit, subject to applicable limitations of IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs." (3-20-20)

087. Landowner Permission Hunts. Any person applying for a landowner permission hunt must have a permission slip including the name, address, and signature of a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area. (3-20-20)

098. Youth Only Hunts. Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning age ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth-only controlled hunt. A person sixty-five (65) years of age or older with a senior or disabled combination or hunting license may apply during a second application period for youth-only controlled hunts or purchase leftover youth-only controlled hunt tags on a first come, first served basis. (3-20-20)

109. Outfitter Allocated Hunts. Any person must have a written agreement with an outfitter to submit an application for an outfitter allocated controlled hunt. (3-20-20)

110. Multiple Applications. (3-20-20)

a. Any person applying for a bighorn sheep, mountain goat, grizzly bear, or moose controlled hunt is not eligible to apply for any other controlled hunt in the same year, except Unlimited Controlled Hunts, a controlled black bear hunt, a controlled gray wolf hunt, or a designated depredation or extra tag hunt for deer, elk or pronghorn. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in the second application period for deer, elk, and pronghorn and the first-come, first-served deer, elk, and pronghorn controlled hunt permit sales. (3-20-20)

b. Any person may apply for both a controlled hunt tag and a controlled hunt extra tag for the same big game species. (3-20-20)

IDAPA 13 – DEPARTMENT OF FISH AND GAME
13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS
DOCKET NO. 13-0109-2002
NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Proposed Rule Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2021 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-103, 36-104, 36-408, 36-409, 36-1101, and 36-1102, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2020 Idaho Administrative Bulletin, [Vol. 20-9, pages 36-40](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Toby Boudreau at (208) 334-2920.

Dated this 6th day of November, 2020.

Paul Kline
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Fax: (208) 334-4885
Email: rules@idfg.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-103, 36-104, 36-408, 36-409, 36-1101, and 36-1102, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

1. The proposed rule would establish consistent requirements for use of game bird tags authorized by statute (Section 36-409(c), Idaho Code) and establish mandatory check requirements for swan (prompted by legislation adopted to support federal approval of swan seasons).
2. The proposed rule would designate two special waterfowl hunting days for veterans and active military (prompted by 2019 federal legislation allowing states to make such designations).
3. The proposed rule would delay the opening date for pheasant season for all nonresident license holders. This citizen-petitioned change by residents of Franklin/Oneida Counties would expand by rule the statutory (Section 36-407(e), Idaho Code) 5-day delayed opener for nonresident small game license holders.
4. The proposed rule would simplify the agency's game tag framework for hunting turkey.

FEE SUMMARY: The proposed rules have no associated fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 3, 2020 Idaho Administrative Bulletin, Vol. 20-6, page 31. This Notice identified the opportunity to provide rulemaking input during a 21-day comment period. The agency received 365 responses via on-line submissions regarding the proposal to establish consistent requirements for use of game bird tags and establish mandatory check requirements for swan. The agency received 485 responses via on-line submissions regarding the proposal to designate two special waterfowl hunting days for veterans and active military. The agency received 480 responses via on-line submissions regarding the proposal to delay the opening date for pheasant season for all nonresident license holders. The agency received 440 responses via on-line submissions regarding the proposal to simplify the agency's game tag framework for hunting turkey. The agency's Notice also identified the opportunity for people to express interest in participating in negotiated rulemaking meetings. No commenter stated interest in negotiated rulemaking meetings. Before advancing proposed rules, the agency provided an opportunity for in-person comment at a public hearing held during the quarterly meeting of the Commission in Idaho Falls on July 22, 2020. Pursuant to Section 67-5221, Idaho Code, the agency proceeded with proposed rulemaking.

INCORPORATION BY REFERENCE: Not Applicable

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact Toby Boudreau at (208) 334-2920. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 31st day of July, 2020.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0109-2002

011. – ~~098~~9. (RESERVED)

090. GAME BIRD TAG VALIDATION AND ATTACHMENT.

Any hunter who kills a game bird for which a game tag is required under Section 36-409(c), Idaho Code, must immediately validate the appropriate tag and securely attach the validated tag to the carcass. Tag validation means completely removing the two (2) triangles on the tag corresponding to the day and month of the kill date. The tag must remain attached to the carcass in transit or storage. ()

091. – 099. (RESERVED)

100. SAGE AND SHARP-TAILED GROUSE TAGS AND PERMITS ~~AND VALIDATIONS~~.

No person may hunt sage or sharp-tailed grouse anywhere within the state, except licensed shooting preserves, without having in possession the appropriate hunting license with tag (if required under Section 36-409, Idaho Code) or permit validation for sage grouse and sharp-tailed grouse whose fee is specified in Section 36-416, Idaho Code. (3-20-20) ()

101. MIGRATORY GAME BIRD TAGS, PERMITS, AND VALIDATIONS.

01. License Validation. No person may hunt migratory game birds anywhere within the state, without having in possession the appropriate hunting license with validation for the Migratory Game Bird Harvest Information Program and tag. (3-20-20)

~~**02. Sandhill Crane Tag.** (3-20-20)~~

~~**a.** Immediately after any sandhill crane is killed, the sandhill crane tag must be validated and securely attached to the sandhill crane. Tag validation means cutting out and completely removing two (2) triangles on the border of the tag, one (1) for the month and one (1) for the day of the kill. (3-20-20)~~

~~**b.** The tag must remain attached so long as the sandhill crane is in transit or storage. (3-20-20)~~

~~**032. Youth and Veteran/Active Duty Waterfowl Season.** The youth waterfowl season is open only to licensed hunters with Migratory Bird validation who are eight (8) to seventeen (17) years of age, and who are accompanied in the field at all times by a licensed hunter eighteen (18) years of age or older. The Veteran/Active Duty waterfowl season is open only to licensed hunters with Migratory Bird validation who are veterans (as defined in Section 65-203, Idaho Code) or members of the Armed Forces on active duty (which does not include members of the National Guard and Reserves performing drills or training), and who carry proof of eligibility on their person, such as an official military or veteran identification card; DD214 form; or a state-issued driver's license or identification card with veteran's designation. (3-20-20) ()~~

102. WILD TURKEY TAGS, STAMPS, PERMITS, AND VALIDATIONS.

No person may hunt wild turkey without having in possession the appropriate hunting license; and tag, ~~and controlled hunt permit.~~ (3-20-20) ()

01. Tags. ~~There are three (3) types of t~~urkey tags available: the may be general or controlled hunt tags, extra tag, and special unit tag. A hunter may purchase one (1) general tag, two (2) extra tags, and three (3) special unit tags. The general tag and one (1) extra tag may be used during the spring general season; however, if one (1) or both go unused, the unused tag(s) may be used during the general fall season. A second extra tag may also be used during the general fall season. A general tag or an extra tag may be used with a controlled hunt permit in the spring and fall seasons. Special unit tags may be used in designated units during any season set by the Commission or in a depredation hunt when authorized by the Director. (3-20-20) ()

02. Youth General Hunts and Youth Passport Holder Hunt Eligibility. Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-20-20)

a. Youth-only general hunts are limited to participation by hunters who are ten (10) to seventeen (17) years of age with a valid license. (3-20-20)

b. Hunting passport holders eight (8) to seventeen (17) years of age are eligible to participate in general season hunts, youth-only general hunts, landowner permission controlled hunts ~~with the appropriate landowner permission tag,~~ and depredation hunts. (3-20-20)()

03. Controlled Hunts. A controlled hunt permit tag for wild turkey is valid only for the take of turkey in the controlled hunt area for which the permit tag was drawn issued, and in general hunts. (3-20-20)()

a. Eligibility: The holders of hunting licenses valid for game birds are eligible to apply for spring and fall controlled hunts subject to the following restrictions: (3-20-20)

i. In the event a permit tag is issued based on erroneous information, the permit tag will be invalidated and the person will remain on the drawn list. (3-20-20)()

ii. Landowner permission controlled hunt application eligibility is limited to persons who have a signed permission slip, which includes the landowner's name and address, from a landowner who owns more than seventy-nine (79) acres in the hunt area. (3-20-20)()

iii. Youth-only controlled hunt application eligibility is limited to persons nine (9) to seventeen (17) years of age, provided they will be ten (10) to seventeen (17) years of age during the hunt for which they apply. A nine (9) year old cannot participate in the hunt until turning age ten (10). A person who turns eighteen (18) years of age during the hunt may continue to participate through the end of the youth-only controlled hunt. A person sixty-five (65) years of age or older with a senior or disabled combination or hunting license may apply on a first-come, first-served basis for leftover youth-only controlled hunt permits tags. (3-20-20)()

b. Applications: Applications for spring and fall controlled hunts may be submitted electronically through the automated licensing system at any vendor location, including Department offices, through the Internet, or via telephone, not later than March 1 for spring hunts and June 5 for fall hunts, annually. (3-20-20)

i. Duplicate license numbers will not be accepted. Applications from Holders of a Duplicate License (Type 501) will be processed only if they include original license numbers. (3-20-20)

ii. Only one (1) application per person or group will be accepted. Additional applications will result in all applicants being declared ineligible. (3-20-20)

iii. A single payment ~~(either cashier's check, money order, certified check, or personal check)~~ may be submitted to cover fees for all applications. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. (3-20-20)()

iv. A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (3-20-20)

v. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (3-20-20)

c. Drawing information: Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing provided the second choice hunt applied for has not been filled. (3-20-20)

~~**04. Tag Validation.** (3-20-20)~~

~~**a. Tag and permit validation and attachment: Immediately after any wild turkey is killed, the turkey**~~

~~tag and permit, if a controlled hunt, must be validated and securely attached to the wild turkey. Tag and permit validation means cutting out and completely removing two (2) triangles on the border of each tag and permit, one (1) for the month and one (1) for the day of the kill. (3-20-20)~~

~~b. The tag and permit must remain attached so long as the turkey is in transit or storage. (3-20-20)~~

~~054. Tag Designation. (3-20-20)~~

a. Any resident adult person who possesses a controlled hunt permit tag may designate the controlled hunt permit tag to his or her resident minor child or grandchild who is qualified to participate in the hunt. (3-20-20)()

b. Any nonresident adult person who possesses a controlled hunt permit tag may designate the controlled hunt permit tag to his or her nonresident minor child or grandchild who is qualified to participate in the hunt. (3-20-20)()

c. The designation of the controlled hunt permit tag is not effective unless it is: (3-20-20)()

i. Made on a form prescribed by the Department and submitted either in person to any Department Office or by mail to the License Supervisor at P.O. Box 25, Boise, ID 83707. (3-20-20)

ii. Completed before the first opening hunt date for the permit tag. (3-20-20)()

d. Any child cannot be designated more than one (1) controlled hunt permit tag per calendar year. (3-20-20)()

~~06. Landowner Permission Tags. Landowner permission hunt tags will be sold on a first come, first served basis at Department offices after March 20 for spring hunts and after July 10 for fall hunts. (3-20-20)~~

103. PHEASANT TAGS, PERMITS, AND VALIDATIONS AND NONRESIDENT PARTICIPATION.

No person may hunt pheasant anywhere within the state, except licensed shooting preserves, without having in possession the appropriate hunting license and permit. (3-20-20)()

01. Upland Game Bird Permit. (3-20-20)

a. Any person eighteen (18) years of age or older hunting for or having a pheasant in his or her possession on Fort Boise, C.J. Strike, Montour, Payette River, Sterling, Market Lake, Mud Lake, Cartier, or Niagara Springs Wildlife Management Areas, or at other locations where the Department stocks pheasants, as identified by Commission proclamation, must have a valid Upland Game Bird Permit in possession. (3-20-20)

b. Permit Limit. Each Upland Game Bird Permit has a limit of six (6) cocks. Multiple permits may be purchased. (3-20-20)

c. Permit Validation. Any person harvesting a pheasant where a Upland Game Bird Permit is required must immediately validate their Permit upon reducing a pheasant to possession by entering the harvest date and location in Non-Erasable ink, and removing a notch from the permit for each pheasant taken. (3-20-20)

02. Youth Pheasant Season. The youth pheasant season is open only to licensed hunters ten (10) to seventeen (17) years of age and hunting passport holders eight (8) to seventeen (17) years of age, provided such youth hunters/passport holders are accompanied in the field at all times by a licensed hunter eighteen (18) years of age or older. (3-20-20)

03. Nonresident Participation. The Commission may set by proclamation a later season start date, of no more than five (5) days, for nonresident participation. ()

(BREAK IN CONTINUITY OF SECTIONS)

201. – ~~249~~. (RESERVED)

250. MANDATORY CHECK AND REPORT – SWANS.

Any hunter killing a swan must, within three (3) days of the date of kill, present the swan carcass (for measurement and identification) to a conservation officer, regional office or check station, and complete a harvest report. A person may authorize another person to comply with the check and report if that person possesses sufficient information to complete the report. ()

251. – 299. (RESERVED)

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.16 – THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-2002

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Proposed Rule Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2021 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 36-104, 36-1101, and 36-1103, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule:

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 2, 2020 Idaho Administrative Bulletin, [Vol. 20-9, pages 45-47](#).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Toby Boudreau at (208) 334-2920.

Dated this 6th day of November, 2020.

Paul Kline
Deputy Director
Idaho Department of Fish and Game
600 S. Walnut Street
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3771
Fax: (208) 334-4885
Email: rules@idfg.idaho.gov

THE FOLLOWING NOTICE PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-104, 36-1101, and 36-1103, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 16, 2020.

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.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

1. The proposed rule would establish additional restrictions on use of body-gripping traps (based on citizen petition by Idaho Trappers Association and others).

2. The proposed rule would simplify rules associated with use of bait for trapping furbearing, predatory and unprotected animals (based on citizen petition by Idaho Trappers Association and others). The proposed rule provides consistency with allowances for wolf trapping, unless a restriction exists in law (such as the statutory restriction on use of game parts for trapping furbearing animals).

FEE SUMMARY: The proposed rules have no associated fees.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: Not applicable.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules - Negotiated Rulemaking, was published in the June 3, 2020 Idaho Administrative Bulletin, [Vol. 20-6, page 35](#). This Notice identified the opportunity to provide rulemaking input during a 21-day comment period. The agency received 549 responses via on-line submissions regarding the proposal to establish additional restrictions on use of body-gripping traps. The agency received 393 responses via on-line submissions regarding the proposal to simplify rules associated with use of bait for trapping furbearing, predatory and unprotected animals. The Notice also identified the opportunity for people to express interest in participating in negotiated rulemaking meetings. No commenter stated interest in negotiated rulemaking meetings. Before advancing proposed rules, the agency provided an opportunity for in-person comment at a public hearing held during the quarterly meeting of the Commission in Idaho Falls on July 22, 2020. Pursuant to Section 67-5221, Idaho Code, the agency proceeded with proposed rulemaking.

INCORPORATION BY REFERENCE: Not Applicable

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions about the proposed rules, contact Toby Boudreau at (208) 334-2920. Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 23, 2020.

Dated this 31st day of July, 2020.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0116-2002

400. METHODS OF TAKE.

01. Furbearing Animals. No person may take beaver, muskrat, mink, marten, or otter by any method other than trapping. No person may hunt any furbearing animal with or by the aid of artificial light. (3-20-20)

02. Hunting. No person hunting furbearing animals or predatory or unprotected wildlife may hunt with dogs, except in accordance with IDAPA 13.01.15, "Rules Governing the Use of Dogs." (3-20-20)

03. Trapping. No person trapping furbearing animals or predatory or unprotected wildlife may: (3-20-20)

a. Use for bait or scent, any part of a ~~domestic or wild origin~~ game bird, big game animal, upland game animal, game fish, or protected nongame wildlife: EXCEPT: ~~(3-20-20)~~ ()

i. Furbearing animals or predatory or unprotected wildlife may be trapped with bait, lures, or other attractants when not prohibited by Section 36-1103(a), Idaho Code. ()

ii. Furbearing animals or predatory or unprotected wildlife may be trapped near a big game animal that has died naturally and the carcass has not been repositioned for trapping purposes. Natural causes do not include any man-caused mortality. ()

b. Use any set within thirty (30) feet of any visible bait. (3-20-20)

c. Use a dirt hole ground set with bait unless the person ensures that the bait remains covered at all times to protect raptors and other meat-eating birds from being caught accidentally. (3-20-20)

d. Use live animals as a bait or attractant. (3-20-20)

e. Place any ground sets on, across, or within ten (10) feet of the edge of any maintained unpaved public trail. (3-20-20)

f. Place any ground set on, across, or within any public highway as defined in Section 36-202, Idaho Code; except ground sets may be placed underneath bridges and within and at culverts that are part of a public highway right-of-way. (3-20-20)

g. Place any ground set incorporating snare, trap, or attached materials within three hundred (300) feet of any designated public campground, trailhead, paved trail, or picnic area; except cage or box live traps may be placed within these areas as allowed by city, county, state, and federal law. (3-20-20)

h. Place or set any ground set snare without a break-away device or cable stop incorporated within the loop of the snare. (3-20-20)

i. Place any ground set incorporating a foothold trap with an inside jaw spread greater than nine (9) inches. (3-20-20)

j. Place or operate, except as a waterset, any body-gripping trap that has a maximum jaw opening, when set, of greater than seven and one-half (7 1/2) inches measured from the inside edges of the body-gripping portions of the jaws, within thirty (30) feet of any bait, lure, or other attractant. ()

k. Place or operate, except as a waterset, any body-gripping trap that has a maximum jaw opening, when set, greater than six and one half (6 1/2) inches and less than seven and one-half (7 1/2) inches measured from the inside edges of the body-gripping portions of the jaws, unless: ()

i. The trap is in an enclosure and the trap trigger is recessed seven (7) inches or more from the top and front most portion of the open end of the enclosure; ()

- ii. No bait, lure, or other attractant is placed within thirty (30) feet of the trap; or ()
- iii. The trap is elevated at least three (3) feet above the surface of the ground or snowpack. ()

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 24-3501-2000

NOTICE OF OMNIBUS RULEMAKING – ADOPTION OF PENDING RULE

[LINK: LSO Proposed Rule Analysis Memo](#)

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2021 Idaho State Legislature for final approval. The pending rule becomes final and effective upon the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and full force and effect upon adoption of the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 36-2107, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

This pending rule adopts and re-publishes the following existing rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 25.01.01, now indexed as IDAPA 24.35.01, rules of the Idaho Outfitters and Guides Licensing Board:

IDAPA 24.35

- 24.35.01 *Rules of the Outfitters and Guides Licensing Board.*

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the Sept. 16, 2020, Idaho Administrative Bulletin, [Vol. 20-9SE, pages 1655-1686](#). These rules are necessary for the agency to carry out its statutory duties and to protect the public health, safety, and welfare and conservation of wildlife and range resources in the State of Idaho.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lori Thomason at (208) 327-7380.

Dated this 14th day of October, 2020.

Lori Thomason
Executive Director
Outfitters and Guides Licensing Board
P.O. Box 83720
Boise, Idaho 83720-0036
Phone: (208) 327-7380
Fax: (208) 488-7528

THE FOLLOWING NOTICE PUBLISHED WITH THE OMNIBUS PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 36-2107, Idaho Code.

PUBLIC HEARING SCHEDULE: Opportunity for presentation of oral comments concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 25.01.01, now indexed as IDAPA 24.35.01, rules of the Idaho Outfitters and Guides Licensing Board with amendments necessary to comply with H426 that was passed during the 2020 Regular Legislative Session:

IDAPA 24.35

- 24.35.01 *Rules of the Outfitters and Guides Licensing Board.*

FEE SUMMARY: This rulemaking does not impose a fee or charge, or increase a fee or charge.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare. However, the Board conducted negotiated rulemaking and held three public hearings regarding the rule changes needed to implement H426, which changed how the Board designates allocated deer and elk tags to licensed outfitters.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the proposed rules attached hereto: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Lori Thomason at (208) 327-7380.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 19th day of August, 2020.

THE FOLLOWING IS THE TEXT OF OMNIBUS DOCKET NO. 24-3501-2000

24.35.01 – RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

000. LEGAL AUTHORITY.

These rules have been promulgated in accordance with the Idaho Administrative Procedures Act and pursuant to authority granted in the Outfitters and Guides Act. ()

001. TITLE AND SCOPE.

These rules are titled IDAPA 24.35.01, “Rules of the Outfitters and Guides Licensing Board.” The purpose is to implement, administer, and enforce the Act to establish uniform standards for licensing outfitted and guided activities to protect the public and protect, enhance, and facilitate management of Idaho's fish, wildlife, and recreational resources. ()

002. DEFINITIONS.

The definitions set forth in Section 36-2102, Idaho Code, are applicable to these rules. In addition, the following terms have the meanings set forth below: ()

01. Act. Title 36, Chapter 21, Idaho Code, commonly known as the Outfitters and Guides Act, as amended. ()

02. Authorized Person. An investigator or enforcement agent in the employ of the Board, a conservation officer of the IFGC, or any local, state, or federal law enforcement officer. ()

03. 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. ()

04. Classified River. For the purpose of these rules, specific sections of some whitewater river or streams which are considered more hazardous than others have been designated “classified.” Classified rivers are denoted by an asterisk (*) in the list of rivers contained in Subsection 059.01. ()

05. Compensation or Consideration. 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 is not deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. ()

06. Designated Agent. A licensed individual who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed as an outfitter and who, together with the licensed outfitter, is responsible and accountable for the conduct of the licensed outfitter's operations. ()

07. Enforcement Agent. An individual employed by the Board having the power of peace officers to enforce the provisions of the Act and these Rules. ()

08. 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. ()

09. First Aid Card. A valid card or other evidence demonstrating that the individual has successfully completed an applicable American Red Cross course or equivalent course that is acceptable to the Board. ()

10. Fishing. Fishing activities on those waters and for those species described in the rules of the IFGC, 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: ()

a. Anadromous fishing means fishing for salmon or steelhead trout. ()

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. ()

c. Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures, as defined by IFGC rules. ()

- d. Incidental fishing means fishing conducted as a minor activity. ()
- 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. ()
- 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. ()
11. **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. ()
12. **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 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. ()
13. **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. ()
14. **IFGC.** The Idaho Department of Fish and Game or the Idaho Fish and Game Commission. ()
15. **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. ()
16. **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. ()
17. **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. ()
18. **Minor or Incidental Activity.** A licensed activity the nature of which is carried out in conjunction with a major activity, but is not the primary purpose of the excursion. ()
19. **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. ()
20. **Operating Area.** The area assigned by the Board to an outfitter for the conduct of outfitting activities. ()
21. **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). ()
22. **Out-of-Pocket Costs.** The direct costs attributable to a recreational activity. Such direct costs do not include: ()
- a. Compensation for either sponsors or participants; ()
- b. Amortization or depreciation of debt or equipment; or ()

- c. Costs of non-expendable supplies. ()
- 23. **Power Boats.** All motorized watercraft used on Idaho waters open to commercial outfitting activities. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steerage. ()
- 24. **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). ()
- 25. **Trainee.** A person not less than sixteen (16) years of age pursuing the necessary experience or skill qualifications for a guide license. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. ()
- 26. **Training Log.** A form approved by the Board and completed in detail and attested to by the outfitter documenting the training completed by a person pursuing training or licensure as a guide pursuant to these rules. The log is maintained and made available for inspection by the Board or its agent by the outfitter during the time the guide is employed by the outfitter and for one (1) complete license year following the termination of employment of the guide, and for three (3) years from the date of an accident or incident jeopardizing the health, safety or welfare of a client, in which the trainee or guide is involved. ()
- 27. **Unethical/Unprofessional Conduct.** Any activity(ies) by a licensee which is inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to: ()
 - a. Providing false, fraudulent or misleading information to the Board or another governmental entity regulating outfitting activities including the use or verification of allocated tags; ()
 - b. Violation of an order of the Board; ()
 - c. Failure to provide services as advertised or contracted; ()
 - d. Harassment of the public in their use of Idaho’s outdoor recreational opportunities; ()
 - e. Violation of state or federal fish and game laws or rules or to condone or willfully allow a client's violation of those laws and rules; ()
 - f. For a licensed boating outfitter or guide, violation of the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code) and IDAPA 26.01.30 “Idaho Safe Boating Rules”; ()
 - g. Engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed; ()
 - h. Disregard for the conservation, maintenance or enhancement of fish, game, land and water resources; ()
 - i. Killing a client's game or catching a client’s fish. ()
 - j. Failure to pay a supplier of goods or services to the outfitter business; ()
 - k. Failure to pay state taxes; ()
 - l. Operating in a manner which endangers the health, safety, or welfare of the public. ()
 - m. Selling lifetime excursions, lifetime hunts, or selling of outfitted activities to an individual for the life of that individual and collecting fees accordingly. ()
 - n. Operating under a name that is not associated with the license issued by the Board; or ()

o. Interference with private landowners, public land management agencies, and/or stockmen and their rights and privileges. ()

28. 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. ()

003. -- 004. (RESERVED)

005. LICENSE PRODUCTION.

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

006. FIRST AID KIT.

A first aid kit must be present and available on every outfitted excursion. ()

007. LICENSE RESTRICTIONS.

01. Qualified. All outfitters must be qualified to guide or employ a licensed guide(s) qualified for the activity(ies) for which the outfitter is licensed. ()

02. Review. An outfitter's qualifications to guide will be reviewed by the Board and, if approved, a guide license will be issued at no additional fee. ()

03. Qualifications. The qualification(s) of an outfitter or guide licensee are determined in accordance with the Act and these rules. ()

04. 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 will be imposed in licensing where such limitation is deemed necessary by the Board in accordance with the Act and these rules. ()

05. Temporary Employment. An outfitter may employ a licensed guide who is not currently licensed under the outfitter's license in the case of 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. The employing outfitter or authorized agent must keep written documentation of the loan or transfer and dates and times. Repeated transfers or loans of guides require a license amendment. ()

008. EMPLOYMENT OF OUTFITTERS.

An outfitter may guide for another outfitter or rent or lease equipment or services as follows: ()

01. Other Outfitter. An outfitter may guide for another outfitter when properly employed by that outfitter and approved by the Board. ()

02. Other. If an outfitter is employed to guide activities not covered by his own guide license, the outfitter must apply to the Board for a license amendment and submit the employing outfitter certification prescribed in Subsection 034.02. ()

03. No Sharing of Profits. While an outfitter is employed as a guide by another outfitter, the outfitters may not share profits or equipment and/or animals other than leased equipment and/or leased animals. An outfitter when employed as a guide may only render personal services as would any other guide. ()

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 must be filed with the Board including a current certificate or proof of non-owner liability insurance. ()

009. (RESERVED)

010. COMPLIANCE WITH LAWS.

All licensees must comply with all local, state, and federal laws, and 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: ()

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. ()

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 will 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. ()

011. (RESERVED)

012. OUTFITTER RESPONSIBILITIES.

An outfitter is responsible for: ()

01. Camps. Maintaining safe and sanitary camps at all times. ()

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. ()

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

04. Emergency Provisions. Ensuring that all cross-country and backcountry alpine skiing and technical mountaineering/rock climbing tours have the necessary emergency provisions with them. ()

05. Actions. The actions of all guides, and other persons, while in the scope of their employment. ()

013. -- 014. (RESERVED)

015. ANNUAL DATE, FEES, AND PAYMENT.

01. Due Date. All outfitter and designated agent license applications must be completed and received by the Board by January 31 of each year. ()

02. Penalty Fee. When a completed renewal application is filed with the Board after the last day of the license year, a penalty fee must be paid before the license is issued. ()

03. License Lapsed and Expired. All licenses expire on March 31, and when a completed outfitter application has not been received by the Board after ninety (90) days after the last day of the license year, a renewal application will not be accepted for licensure. ()

04. Payment. ()

a. Prior to the issuance of a license, an applicant must submit the appropriate fee. ()

b. The applicant must pay an annual license fee for each license issued, except for an outfitter licensed as a guide for the outfitter's operation. ()

016. -- 017. (RESERVED)

018. NEW OUTFITTER OR OUTFITTER LICENSE AMENDMENT APPLICATION.

A complete application for a new outfitter license, outfitter license major amendment, or new landowner statement in existing areas must, in addition to all other requirements include: ()

01. Name. The name(s) registered with the Idaho Secretary of State as an assumed business name, the name of the business entity, or both. ()

02. Other Signatures. Signed landowner or land manager statement from: ()

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, ()

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

03. Operating Plan. An operating plan that includes, among other things, the following: ()

a. A list of the activities to be conducted in the operating area(s) requested. ()

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). ()

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. ()

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

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

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

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

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

i. A plan to assure the safety and provide for emergency medical care of guests. ()

04. Public Need and Existing Use. Statement of the public need for the proposed service(s) in the area requested and the use by the general public and commercial use already licensed in the area. ()

05. Insurance. Current certificate or proof of insurance for the following: ()

a. 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. ()

b. 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. ()

06. Designated Agent. When the applicant is a corporation, firm, partnership, or other organization or combination thereof, the designation at least one (1) designated agent who is a qualified outfitter, covered by the outfitter's bond, and who will be responsible for the outfitting business. The designated agent must apply for and be granted a license. ()

07. Hearing. If more than one (1) applicant submits a complete application with landowner statement(s), a hearing will be held to decide the successful applicant. ()

08. Existing Operating Area. A licensed outfitter may be given priority for any opportunities within the outfitter's existing operating area boundaries. ()

019. (RESERVED)

020. EXAMINATION.

All new applicants applying for an outfitter or designated agent license must successfully pass a written and/or oral examination on the Act, the rules, and general outfitting procedures. An applicant who fails the test may retake it after a five (5) day waiting period. ()

021. (RESERVED)

022. ISSUANCE OF AN OUTFITTER LICENSE.

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. ()

023. THIRD PARTY AGREEMENTS.

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

01. Employed. No outfitter may 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. ()

02. 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), constitutes 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) is 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. ()

03. Booking Agent. This Rule does not apply to the conduct of a booking agent or 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. ()

024. STANDARDS FOR NON-USE.

In order to carry out the intent of the Act to promote and encourage participation in the enjoyment and use of the state's natural resources and fish and game and ensure an outfitter adequately serves the public, the Board will monitor, prioritize, and fairly administer identified remedies based on, among other factors, interest or demand for the particular activity or area and as set forth in this rule. ()

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. ()

02. Definitions. ()

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; ()

b. Zero (0) use. No recorded use by an outfitter of their licensed area or activities; ()

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. ()

03. Process. ()

a. The notice of non-use will 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. ()

b. When the Board determines 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. ()

04. Examples of Acceptable Use: ()

a. Paying clients participating in activities occurring within a designated operating area; ()

b. Donated trips; ()

c. Outfitter initiated applications for controlled hunts in their licensed operating area; ()

d. Outfitter initiated applications for trophy species; and ()

e. Use in conformance with a current and accepted operating plan. ()

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. ()

06. Non-Use During a Sale. Board staff reviews 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 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. ()

07. Waiver of Compliance. The Board may waive compliance with the non-use standard upon a showing of good cause, including an act of nature, state or federal agency seasonal restrictions on hunting or fishing or personal circumstances such as illness or injury that limit the ability of the outfitter to seek and accommodate clients. An outfitter must apply for a waiver prior to the beginning of the license year or immediately upon the event constituting good cause. 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. ()

025. OUTFITTER RENEWAL.

All licenses expire on March 31 and every application for license renewal for an outfitter and designated agent must be complete and submitted by January 31 of the license year and include a use report containing an activity, use, and harvest report on the actual use during the preceding year and other information about outfitting or guiding activities. ()

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. ()

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

02. Consideration. In determining whether to adjust an operating area for reasons of wildlife harvest, the Board or the hearing officer considers, among other things, the following: ()

a. Any changes in wildlife harvest, including any increase or decrease in wildlife harvest attributable to the licensee's activity(ies). ()

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. ()

c. Any environmental change(s) that have occurred in the operating area(s) that affect wildlife management. ()

d. Any undesirable wildlife impact(s) that may be ameliorated by a territorial adjustment. ()

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

03. Consideration. In determining whether to adjust an operating area for reasons of territorial conflict, the Board or the hearing officer considers, among other things, the following: ()

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

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

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. ()

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). ()

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

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 considers, among other things, the following: ()

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. ()

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. ()

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. ()

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

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

f. Any new information discovered since the issuance of the license regarding safety. ()

027. OUTFITTER LICENSE PRIORITY.

Priority for licensure in any outfitter's operating area may be maintained by submitting a complete application for a license for the ensuing license period before the expiration date of the current license. ()

028. OUTFITTER BUSINESS PURCHASE, LICENSE CONSIDERATIONS.

01. Sale of Outfitting Business. The sale of an outfitting business requires an application for a new outfitter license by the purchaser, provided that the Board may give priority for licensure to an applicant who has negotiated an agreement related to a sale with a licensee if the applicant meets all other requirements or upon documentation from a court. ()

02. 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 and refunded any advanced payment, unless the client is satisfied with the new arrangements. ()

029. OUTFITTER BOND OR INSURANCE CANCELLATION.

An outfitter or designated agent must immediately notify the Board when their bond or insurance is canceled. The cancellation of an outfitter license bond or insurance by the insurer is grounds for emergency suspension of the outfitter's license under Section 67-5247, Idaho Code. ()

030. AVAILABILITY OF OUTFITTING OPPORTUNITIES.

Except as provided in other sections of this chapter, when a new opportunity or existing opportunity, which had previously been licensed to another outfitter, becomes available, the Board may use a competitive application process through a waiting list, public notice, or both to select a qualified applicant. A competitive application process may be coordinated with another governmental agency that has management or permitting authority over the opportunity. ()

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

02. Placement on Waiting List. A written request, in a form specified by the Board, must be submitted to be placed on the waiting list, and a name on the waiting list will 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. ()

03. Notification. When public notice is used when an opening occurs, a public announcement will be made and may be made in conjunction with notice by another governmental agency. Persons on the waiting list will be notified of the available opportunity in any competitive application process. ()

04. Application Period and Consideration. Anyone wishing to apply for the opportunity must submit a complete application or amendment, including all applicable fees, by the date specified in the notice. The Board will consider the qualifications of all applicants and in its discretion select the best qualified applicant. ()

031. -- 033. (RESERVED)

034. GUIDE APPLICATION REQUIREMENTS - GENERAL.

To be complete, an application for a guide license must: ()

01. First Aid Card. Be accompanied by an affidavit signed by the employing outfitter that the applicant will have a current, valid first aid card before they are employed as a guide. ()

02. Signatures. Be attested to by the applicant and certified by the licensed outfitter(s) who wishes to employ the applicant as a guide that the applicant: ()

a. Is qualified to perform the type of guiding activity(ies) for which the applicant seeks licensure. ()

b. Has extensive, first-hand knowledge of the operating area(s) and water(s) in or on which the applicant will be guiding. ()

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. ()

d. If the applicant is water based, is proficient in reading the water and handling the type of boat required to be used. ()

e. Provide directly from the outfitter a training log or documentation demonstrating satisfaction of the training requirements pursuant to Sections 035 through 042, 044, 046, 047 and 048 of these rules, as applicable for the activities sought to be licensed to guide. ()

03. Amendment. A guide may apply for an amendment to add additional employing outfitters or additional activities by submitting complete application that includes certification from the outfitter 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. ()

035. GUIDE APPLICATION REQUIREMENTS - HUNTING.

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

01. Apprentice Guide. A new applicant may be licensed as an apprentice guide to pursue training necessary for licensure as a guide by submitting a completed application form and fee. ()

02. Apprentice Guide. An apprentice guide may assist a hunting guide in the scope of training, but may not be primarily responsible for guiding a hunt. ()

03. Guide. In addition to Section 034, a new hunting guide applicant must have the following minimum training. ()

a. Been in the outfitter's operating area(s) for at least ten (10) days and is knowledgeable of trails, terrain, drainages, and game habits and habitat. ()

b. Be able to care for meat and trophies, including the ability to correctly cape an animal and with adequate training to be able to instruct and assist clients in the proper care of meat. ()

04. Upgraded. A licensed apprentice guide may apply by amendment to upgrade a guide license when the required training is completed as certified by the employing outfitter, and a copy of the completed training form is submitted to the Board. ()

036. (RESERVED)

037. BOATMAN LICENSE TRAINEES.

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 and provided that the 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. ()

038. FLOAT BOAT GUIDE -- UNCLASSIFIED RIVERS.

An applicant for a float boat guide on unclassified rivers and streams must have 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. ()

039. FLOAT BOAT GUIDE -- CLASSIFIED RIVERS.

A float boat guide on a classified river must 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 must 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 must follow the lead boat and must be operated by a guide licensed as a boatman or a lead boatman for that specific river. (Note exception for trainees in Section 040). ()

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: ()

01. General. 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 must 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. ()

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. ()

b. To document this experience, a statement signed by the applicant under oath or affirmation and notarized must be recorded on a form provided by the Board office that includes 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. ()

02. Other. Logged at least five hundred (500) miles as a commercial float boat guide on any rivers applicable to Subsection 040.01.a., and must 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 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). ()

03. Float Lead Boatman. Or, hold a license as a float lead boatman on a classified Idaho river and complete one (1) complete float boat trip on each other classified 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.) ()

041. FLOAT LEAD BOATMAN QUALIFICATIONS.

An applicant for a float lead boatman license must have 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. ()

042. POWER BOAT GUIDE.

To qualify for a power boat guide license on the following waters, an applicant must have spent the following power boating hours that are distributed as evenly as possible along the total length or section of river or area of the lake or reservoir and under the direct supervision of a power boat guide licensed for the body of water for which qualification is sought: ()

01. Classified Rivers. Fifty (50) 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, except that an applicant may have spent twenty-five (25) hours on each section for 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. ()

02. Unclassified Rivers and Streams. At least ten (10) 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. ()

03. Lakes and Reservoirs. Ten (10) hours on the lake or reservoir on which he wishes to operate. ()

04. Log. The outfitter must maintain a log of this experience recorded on a form provided by the Board, showing the dates, river, lake or reservoir, location of put-in, destination, take-out, hours logged, and signature of outfitter. ()

043. (RESERVED)

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

01. Applications. ()

a. An outfitter, designated agent or guide must submit an outfitter or a guide application with current outfitter operating plan, if required, ski resume, and avalanche training certificates. ()

b. The Technical Advisory Committee (TAC) will evaluate and advise the Board on the scope and appropriate designations for licensure of any application for outfitting or guiding principally in non-hazardous and hazardous terrain skiing. 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. ()

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

a. Level I ski guide (non-hazardous terrain, principally sub-alpine or skiing operations in forests). 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: ()

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

ii. Knowledge of Outfitters Scope of Operation including logistics, services, terrain; and ()

b. Level II ski guide (hazardous terrain with a high degree of avalanche exposure). Has in-depth ski guiding experience on hazardous terrain and has the following qualifications: ()

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; ()

ii. Advanced First Aid, WFR, or EMT of a minimum of forty-eight (48) hours; ()

iii. Level 1 and Level II field-based avalanche training consisting of at least forty-eight (48) hours curriculum with a submitted instructor roster; ()

iv. Knowledge of the Outfitters Scope of Operation including logistics, services, terrain; and ()

03. Outfitters. Outfitters who conduct winter ski-based operations may be designated as: ()

a. Level I: self-propelled, with snowcat, or with snowmobile assisted including day skiing, hut skiing in non-hazardous terrain; ()

b. Level II: self-propelled including day skiing, hut skiing, multi-day expeditions, in hazardous terrain; or ()

c. Level II skiing operations with snowcats, helicopters, or ski from out of bounds from ski areas. ()

04. Outfitters Plan of Operation. The outfitter’s operating plan will include 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, and any additional safety and training standards for guides. ()

05. Field Supervisor. The Outfitter must employ at least one individual acting as a field supervisor who is 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, unless the outfitter or Designated Agent has this experience. ()

06. Ski Guide Trainee. An outfitter may employ an unlicensed trainee, provided the 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 who applies for licensure must have thirty (30) days experience with a licensed ski guide in the outfitter’s operating area and meet all other qualifications of Section 044. ()

045. (RESERVED)

046. TECHNICAL MOUNTAINEERING/ROCK CLIMBING GUIDE.

Any applicant for a technical mountaineering/rock climbing guide license must submit to the Board a detailed explanation of the applicant’s qualifications, experience, and training. ()

047. SNOWMOBILING GUIDE.

An applicant for a snowmobiling guide license must: ()

01. Snowmobiling Techniques. Have working knowledge of snowmobiling techniques; ()

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

03. Hypothermia. Be knowledgeable in the treatment of hypothermia and in winter survival techniques; and ()

04. Mechanics. Have knowledge of the mechanical characteristics of snowmobiles and other equipment being used. ()

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

All applicants for a power boat fishing guide license must possess the ability and knowledge to: ()

01. Maneuver or Pilot. Maneuver or pilot a power boat upon Idaho lakes and reservoirs open to power boat fishing. ()

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

03. Law. Comply with the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code). ()

049. -- 050. (RESERVED)

051. PLACEMENT OF HUNTING CAMPS AND LEAVING OUTFITTER’S OPERATING AREA, BIG GAME HUNTING AND INCIDENTAL TRAPPING.

01. Hot Pursuit of Bear and Cougar With Hounds and Hot Pursuit Agreements. The Board may approve a minor amendment to allow an outfitter licensed for bear and cougar hunting to enter into an adjacent area with a client for hot pursuit of bear and cougar hunting when hunting with hounds, provided that the pursuit starts inside the outfitter’s licensed area. The application for minor amendment must include: ()

a. Written permission from all outfitters whose licensed area(s) will be directly involved in the hunt and which will be provided annually to the Board; ()

b. Written permission from all applicable landowners or land managers; ()

c. 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. ()

02. Camps. A hunting outfitter may 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 must be placed well within the operating area and not near the boundary line. ()

03. Wolf Trapping Incidental to Big Game Hunts. Outfitters licensed for big game hunting and for hunting wolves may qualify to provide wolf trapping as a hazardous excursion during the course of big game hunting as a minor (incidental) activity during open wolf trapping season as set forth below. ()

a. The Outfitter or Designated Agent and guide must have completed the mandatory wolf trapping education class prior to the activity taking place. The outfitter is responsible for maintaining the certificate(s) of completion on file and making it available for inspection. ()

b. Wolf trapping may not be advertised, promoted, or booked as an outfitted or guided service. ()

c. Outfitter or Designated Agent may not kill or allow domestic livestock or animals to be killed for use as bait while in their operating area or to use live animals as bait and will be otherwise expected to follow existing state laws regarding handling of domestic livestock. ()

d. A trapped animal must be killed quickly and humanely. It cannot be released and then “hunted” or killed. ()

e. Outfitters and guides may not directly engage a client in trapping activities handle or be involved with handling traps or trapped animals. Clients may be allowed to: ()

i. Hunt and kill any free ranging animal for which they have an appropriate license and tag, except when the animal is in or within two hundred (200) yards of the Outfitter's or guide's trap line. ()

ii. Accompany a properly licensed guide who is checking the outfitter's traps provided the client is directly accompanied by that guide at all times. ()

iii. Only observe the handling of trapped animals by properly licensed guides. ()

f. Guides who have completed the required education in Paragraph 051.01.a. are subject to the ()

following: ()

- i. Guides may check their employing outfitter’s or their own wolf traps as per state requirements as part of outfitted, big game hunts. ()
- ii. May not provide services to the same client for two (2) different outfitters within a five (5) day period. ()

052. BOAT TRANSPORT OF HUNTING CLIENTS.

A boatman licensee (either power or float) must not transport big game hunters to any big game hunting area unless licensed to outfit for big game hunting in that area or is in the employ of the licensed outfitter for that area. ()

053. CONTROLLED HUNTS OUTSIDE OUTFITTER’S OPERATING AREA.

The Board may authorize an outfitter who is licensed for a controlled hunt species to conduct a one-time hunt for a controlled hunt outside of the outfitter's licensed area when the outfitter submits a minor amendment fee and a written request with the following: ()

01. Written Permission. Written permission from all outfitters whose licensed area(s) will be directly involved in the hunt and all applicable landowners or land managers; ()

02. Identification of Hunter. The hunter name and address, hunting license, tag and permit numbers, controlled hunt number, and dates of hunt. ()

03. Compensation Between Outfitters. No compensation is permitted between outfitters participating in the conduct of a controlled hunt in another outfitter’s area, unless the outfitter supplies a service for that compensation. ()

054. BOAT EQUIPMENT REQUIREMENTS.

Each float or power boat must be identified as follows: ()

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

02. Clearwater. On Sections CL2 and CL3 of the Clearwater River, a sticker affixed to the surface of any boat used for anadromous fishing that is not less than eight (8) inches in height and 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. Stickers will be provided and sold annually by the Board or a vendor designated by the Board. ()

055. BOATING CLIENT/GUIDE RATIO.

All float boats, occupied by three (3) or more clients, must 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 provide are exempt from this rule. ()

056. (RESERVED)

057. DESIGNATION OF ALLOCATED DEER AND ELK TAGS.

For the purposes of this section, an outfitting operation is an outfitter licensee whose licensed activities include hunting for the species in the area of the allocated tag being designated. When IFGC sets big game seasons all allocated tags will be designated pursuant to Section 36-2120, Idaho Code, and IDAPA 24.35.01.057. The designation applies until the next big game season setting by IFGC. ()

01. Base Allocation. The base allocation number is computed pursuant to Section 36-2120(b), Idaho Code. ()

02. Outfitted Hunter Tag Use History. Until the IFGC is able to collect and verify outfitted tag use pursuant to Section 36-408(4), Idaho Code, the use history will be based on each outfitter’s use reports, or the best data available, and subject to verification by documentation or other reliable information acceptable to the Board showing that the outfitter provided outfitting services to the hunter using the tag. ()

a. The use history for a capped hunt is the number of tags used by clients of each outfitter for the hunt with the most similar framework to the hunt for which the allocated tag is being designated. ()

b. The use history for a controlled hunt is the number of tags used by clients of each outfitter in the hunt or hunts that have the most similar framework to the hunt for which the allocated tag is being designated. Both the hunt with allocated tags and the matching hunt with non-allocated tags will be used. ()

c. Transfers – The original outfitter may transfer a designated allocated tag(s) to another outfitting operation for use that year in the same hunt and still retain credit for the tag. ()

d. Surrenders - An outfitter may surrender a designated allocated tag(s) to the undesignated tag pool at any time after notification of its tag designation. The surrendering outfitter does not retain credit for the surrendered tag unless it later uses the tag from the pool. The surrendered tag will be available to any outfitter in the same hunt pursuant to IDAPA 24.35.01.057.09. ()

03. New Hunt Allocated Tag Designation. When the IFGC initially allocates tags for a new capped or controlled hunt, allocated tags will be designated for that hunt proportionately as follows: ()

a. Divide each outfitting operation’s base allocation by the total of all base allocations in the hunt, resulting in a percentage of total use. Truncate the decimal at the hundredths place. ()

b. Multiply the percentage of total use from IDAPA 24.35.01.057.03.a. by the total number of allocated tags for the hunt, which determines the number of allocated tags designated to the outfitting operation. ()

04. Use of Previously Designated Allocated Tags. For established capped or controlled hunts, allocated tags will first be designated to each outfitting operation in an amount equal to the outfitting operation’s use of the allocated tags previously designated to it for the same hunt. ()

a. In a capped hunt, the use of previously designated allocated tags is the average use of allocated tags in the preceding two (2) years. ()

b. In a controlled hunt, the use of previously designated allocated tags is the highest year of use of allocated tags in the preceding two (2) years. ()

05. Remaining or Additional Allocated Tags. Allocated tags that were not designated pursuant to IDAPA 24.35.01.057.04 will be designated proportionately as follows: ()

a. Subtract each outfitting operation’s use of previously designated allocated tags from its base allocation number to determine the number of non-allocated tags it used; then ()

b. Divide the result by the total number of non-allocated tags used by all outfitting operations, resulting in a percentage of the total non-allocated tags used by all outfitting operations in that hunt. Truncate the decimal at the hundredths place; and finally ()

c. Multiply the percentage of total use from IDAPA 24.35.01.057.05.b. by the number of allocated tags yet to be designated, which determines the number of allocated tags designated to the outfitting operation. ()

06. Rounding. If allocated tag designation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds six tenths (.6) and rounded down when a decimal is less than six tenths (.6). When calculating the reduction to the designation of allocated tags pursuant to Section 36-2120(4), Idaho Code, the

calculation will be rounded up when a decimal equals or exceeds five tenths (.5) and rounded down when a decimal is less than five tenths (.5). ()

07. Tie-breaker. If after applying IDAPA 24.35.01.057.03-06 there is a surplus or deficit of allocated tags to be designated, the unrounded proportion, with as many decimal places as necessary, will be used as follows: ()

a. A surplus allocated tag will be designated to the outfitting operation whose unrounded proportion is the greatest. In the event there is more than one outfitting operation with the same unrounded proportion, the undesignated tag will be designated based on a random drawing between those outfitting operations. ()

b. A deficit will be resolved from the outfitting operation whose unrounded proportion is closest to six tenths (.6). If there is more than one (1) outfitting operation with the same unrounded proportion, a random drawing will be held between those outfitters. ()

08. Stipulation by Outfitters. Outfitting operations in a hunt may submit to the Board a written stipulation determining the number of allocated tags designated for each outfitting operation within that hunt. The stipulation must be signed by all eligible outfitting operations for the hunt. If the Board approves the stipulation, the stipulation will be effective until the IFGC sets the next big game season. On or before November 1 preceding the hunt, any outfitting operation may petition the Board to vacate the stipulation for good cause that would make it unconscionable or unjust to enforce the stipulation. If the Board vacates the stipulation, the allocated tags in that hunt will be designated pursuant to Section 36-2120, Idaho Code, and IDAPA 24.35.01.057. ()

09. Undesignated Tag Pool. Any designated allocated tags that are surrendered or have not been utilized by an outfitting operation on or before the tenth (10) business day prior to July 31 for a capped hunt, or on or before September 10 or the next business day for a controlled hunt, will be available in an undesignated pool for any outfitting operation, as follows: ()

a. Beginning April 10 preceding the hunt, an outfitting operation without any designated allocated tags or who has utilized all of its designated allocated tags may submit a request for an allocated tag from the pool. The request must be in such a form as designated by the Board. ()

b. Beginning April 20 preceding the hunt or next business day, an allocated tag will be designated from the pool on a first-come, first-served basis, using a waiting list when as necessary, with a maximum of two (2) allocated tags designated to each requesting outfitting operation until all other requesting outfitting operations have been served, then a requesting outfitting operation is eligible to receive a maximum of two (2) additional allocated tags from the pool, repeated until all requesting outfitting operations are served or until no tags remain. ()

10. Objection to Calculation. If an outfitting operation believes the calculation is incorrect it may object by filing a petition with the Board within fourteen (14) days from the date the notification was sent and in accordance with the Idaho administrative procedures act. The petition will include any supporting information or documentation. ()

a. All outfitting operations in the hunt in question will be notified of the petition. ()

b. The outfitting operation bears the burden of establishing that the calculation was incorrect. ()

11. Hardship Request. A written hardship request to maintain all or a portion of previous outfitted hunter tag use history may be submitted to the Board on or before the November 1 preceding the biennial IFGC big game season setting. If a hardship occurs after October 21 but prior to the hunt being completed the request may be submitted within ten (10) days of the occurrence. A hardship may include health, act of nature, state or federal restrictions on hunting or access, or other good cause that prevented or limited the outfitting operation's ability to seek and accommodate clients and impacted its use of designated allocated tags. The outfitting operation must provide any information requested by the Board to substantiate the request. ()

12. Change in Operating Area or Owner of Business. When an outfitting operation is sold or when an operating area is adjusted and designated allocated tags are associated with the affected operating area, the

associated designated allocated tags will transfer to the new owner. ()

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. ()

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

The following rivers and streams or sections that lie totally or partially within the state of Idaho are open to commercial boating operations by outfitters and guides. The Board may open other rivers and streams or sections upon a petition to adopt rules under Section 67-5230, Idaho Code. ()

01. Licensable Waters -- River Sections (BL1) Blackfoot River through (PR1) Priest River -- Table.

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
(BO1A) Boise River - Eckert Road Bridge to Main Street Bridge.	none	
(BO1B) Boise River - Main Street Bridge to West side of Garden City limits.	none	
(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 an outfitters operating plan.	none	2
(CF1) Clark Fork River - Montana stateline to Lake Pend Oreille (boating closing date September 30)	4 outfitters for either power or float or combination thereof	
(CL1) Clearwater River - 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.	none	5

River/Section	Maximum No. Power	Maximum No. Float
(CL2) Clearwater River - 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.	6	10
(CL3) Clearwater River - 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.	10	10
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir	none	4
(CDNF) Headwaters of North Fork Coeur d'Alene - 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.	none	none
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence. 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.	none	1
(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. 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.	none	1
(CD3) Lateral (Coeur d'Alene chain) Lakes - 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.	3	none
* (JB1) Jarbidge/Bruneau Rivers	none	4
(K01) Kootenai River - Montana stateline to Canada boundary	5	5

River/Section	Maximum No. Power	Maximum No. Float
(LCL1) Little North Fork Clearwater River - 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.	none	2
* (LO1) Lochsa River	none	5
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20)	none	5
* (OW1) Owyhee River - Nevada stateline to Oregon stateline or South Fork to confluence with Owyhee River and continuing on to a take-out point.	none	6
(PN1) Payette River, North Fork - 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.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, 1/4 mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & 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.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks	none	5
(PA1) Payette River - Banks to Black Canyon Dam	none	5
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City	none	5

()

02. Licensable Waters -- River Sections (MF1) Middle Fork Salmon River Through (SE2) Selway

River -- Table.

River/Section	Maximum No. Power	Maximum No. Float
###(MF1) Salmon River, Middle Fork - Boundary Creek to Cache Bar on the Salmon River	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar	none	6
(SA2) Salmon River - 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.	none	5
(SA3) Salmon River - 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.	none	6
(SA4A) Salmon River - 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.	5	11
(SA4B) Salmon River - Kilpatrick River access to North Fork - 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.	2	8
(SA5) Salmon River - North Fork to Corn Creek	3	9
###(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.	14	31

River/Section	Maximum No. Power	Maximum No. Float
* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - 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.	10	26
* (SA7B) Salmon River - 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.	6	12
* (SA7C) Salmon River - 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.	none	3
* (SA8) Salmon River - Hammer Creek to Heller Bar or Lewiston on the Snake River	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls	none	4
(SE2) Selway River - 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 operating plan.	none	5

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03. Licensable Waters -- River Sections (SH1) Henry’s Fork Snake River Through (TE3) Teton River -- Table.

River/Section	Maximum No. Power	Maximum No. Float
<p>(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford. (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>(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony. 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
<p>(SH3) Snake River, Henry's Fork - No more than three (3) boats for fishing may be used by an outfitter at any one (1) time in each of the following river sections:</p> <ul style="list-style-type: none"> a) St. Anthony to Red Road Bridge Boat Access (i.e., Parker/Salem or Fort Henry) b) Red Road Bridge Boat Access to Warm Slough Boat Access c) Warm Slough Boat Access to Menan Boat Access <p>No outfitter may have more than six (6) boats on the SH3 in any one (1) day.</p> <p>When permitted by the BLM and with the notification to and concurrence of the IOGLB Executive Director, each outfitter may be allowed adjustments to the maximum boat limits in order to accommodate non-fishing boating activities (e.g., canoeing, paddle boards, and kayaks) and hazardous excursions that are part of an outfitter's operating plan. These adjustments must be reviewed and approved annually.</p> <p>IOGLB licenses are for the entire SH3 segment; a section of SH3 cannot be separated from SH3 for the purposes of selling a portion of an outfitter's business.</p>	none	4

River/Section	Maximum No. Power	Maximum No. Float
<p>(SS1) Snake River - South Fork - No more than four (4) boats per section/per day may be used by an outfitter at any one (1) time in each of the following river sections:</p> <ul style="list-style-type: none"> a) Palisades Dam to the Conant Boat Access; b) Conant Boat Access to Fullmer Boat Access. Exception: Not more than eight (8) boats would 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. due to overnight use at designated outfitter camps; c) Fullmer Boat Access to Byington Boat Access; d) Byington Boat Access to Lorenzo Boat Access; and e) Lorenzo Boat Access to Menan Boat Access; <p>Additionally, no outfitter may have more than twelve (12) boats on the SS1 in any one day.</p> <p>A one-time per year exception after July 15 may be granted from Conant Boat Access to Byington Boat Access that would allow two (2) additional boats per section to accommodate large client groups. During this one-time exception, if the two (2) additional boats do not accommodate the large client group, additional boats must come from slots allocated to other outfitters. The maximum daily boat limit for SS1 may not be exceeded. This would require written concurrence from the BLM/USFS and the IOGLB Executive Director.</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>IOGLB licenses are for the entire SS1 segment; a section of SS1 cannot be separated from SS1 for the purposes of selling a portion of an outfitter's business.</p>	None*	8**
<p>* Each licensed float boat outfitter may use one (1) supply boat (float or power) that does not carry clients. During periods of preparing overnight camps (i.e., setting up tents and portable toilet facilities, boating in grills and other cooking supplies) for the season, usually May or June of each year; and removing the same items listed above from overnight camps at the end of the season, usually October or November; multiple supply boats may be used.</p> <p>** One (1) license additional for waterfowl hunting covering both BLM and USFS managed lands and waters for the South Fork (Palisades Dam to Wolf Flats Boat Access) may be issued. This license opportunity is in addition to the eight (8) float licenses and is limited to providing waterfowl hunting during waterfowl hunting season as defined by Idaho Fish and Game Rules and where no more than two (2) float or power boat boats per day per section a and b only can be used by the outfitter at any one time for that purpose. Fishing may not be provided or conducted unless the outfitter is also licensed and permitted as one (1) of the eight (8) outfitters addressed in this rule who may not provide hunting activities. This business opportunity may be sold separately.</p>		

River/Section	Maximum No. Power	Maximum No. Float
<p>(SN1) Snake River - For each license/permit issued, no more than four (4) boats per section/per day may be used by an outfitter at any one time in each of the following river sections:</p> <p>a) Menan Boat Access to Mike Walker Boat Access (includes Federally managed lands);</p> <p>b) Mike Walker Boat Access to Gem State Power Plant (includes non-Federal lands).</p> <p>Float boats may use motors (5HP or less) for downstream steerage only within the entire SS1 reach. Downstream steerage would not include holding or upstream travel of watercraft with a motor.</p> <p>OGLB licenses are for the entire SN1 segment; a section of SN1 cannot be separated from SN1 for the purposes of selling a portion of an outfitter's business.</p>	3 outfitters either float or power or combination thereof	
<p>(SN2) Snake River - Gem State Power Plant downstream to headwaters of American Falls Reservoir</p>	3	3
<p>(SN3) Snake River - American Falls Dam to Massacre Rocks State Park</p>	3	3
<p>(SN4) Snake River - Massacre Rocks State Park to Milner Dam</p>	3	3
<p>* (SN5) Snake River - Milner Dam to Star Falls</p>	none	3
<p>* (SN6) Snake River - Star Falls to Twin Falls</p>	none	5
<p>(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam</p>	3	3
<p>(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam</p>	3	5
<p>(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir</p>	5	5
<p>(SN10) Snake River - C.J. Strike Dam to Walter's Ferry</p>	5 outfitters for either power or float or combination thereof	
<p>(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir</p>	5	none

River/Section	Maximum No. Power	Maximum No. Float
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing, two (2) one-day float trips only	none	2
(SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston	19	15
(SN15) Snake River - Washington/Oregon stateline to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters.)	
(SJ1) St. Joe River - St. Joe River Headwaters to Red Ives. No outfitted boating. One (1) walk and wade only fishing outfitter.	none 2	none
(SJ2) St. Joe River - 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
(SJ3) St. Joe River - Avery to St. Joe City Bridge	none	2
(SJ4) St. Joe River - St. Joe City Bridge to Lake Coeur d’Alene	2	none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge, motors not to exceed 10 hp	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge, motors not to exceed 10 hp	6 outfitters for either power or float or combination thereof	

River/Section	Maximum No. Power	Maximum No. Float
<p>(TE3) Teton River - No more than two (2) boats per section/per day may be used by an outfitter at any one time in each of the following river sections: a), b), d), e) and f). No more than four (4) boats per section/per day may be used by an outfitter at any one time on river section c) and where two (2) boats from same outfitter must be spaced at three-hour (3) intervals:</p> <p>a) Harrop Bridge Boat Access to Felt Dam Boat Access; b) Felt Dam Boat Access to Spring Hollow Boat Access; c) Spring Hollow Boat Access to Teton Dam Site Boat Access; d) Teton Dam Site Boat Access to Hog Hollow Bridge Boat Access e) Hog Hollow Bridge Boat Access to Teton Highway; f) Teton Highway to confluence with the Henrys Fork of the Snake River.</p> <p>Note: No boat access exists at the confluence with the Henrys Fork of the Snake River. Outfitters would utilize Hibbard Bridge or Warm Slough Access on SH3. No fishing on SH3</p> <p>No outfitter may have more than eight (8) boats on the TE3 in any one day.</p> <p>Float boats may use motors not to exceed 10 hp in section a) (Harrop Bridge to Felt Dam Access) only. Float boats may use motors (5HP or less) for downstream steerage only in sections d), e) and f). Motors are not allowed in other sections. Downstream steerage does not include holding or upstream travel of watercraft with a motor.</p> <p>IOGLB licenses are for the entire TE3 segment; a section of TE3 cannot be separated from TE3 for the purposes of selling a portion of an outfitter's business.</p>	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections are considered within their area of operations when hiking from the river or fishing in tributaries away from the river, but does not include overnight activities. Conflicts with land-based outfitters will be handled on a case-by-case basis. ()

04. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially within the state of Idaho are open to fishing by outfitters with the following limitations:

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 or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
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

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05. Other Lakes and Reservoirs. All other Idaho lakes and reservoirs are limited to two (2) outfitters with a maximum of two (2) boats (float or power) per outfitter. ()

060. (RESERVED)

061. TECHNICAL MOUNTAINEERING/ROCK CLIMBING.

Any outfitter applicant for technical mountaineering/rock climbing must appear before the Board to explain in full detail his qualifications, experience, plans, and areas of operation demonstrating the necessary specialized training and skill. ()

062. (RESERVED)

063. SNOWMOBILING.

In addition to other requirements, outfitters and guides for snowmobiling must ensure the following: ()

01. Non-Groomed Trails. All machines are 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 may not exceed thirty (30). One (1) guide leads and one (1) trails where more than five (5) snowmachines are involved. ()

02. Groomed Trails. All machines are 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 leads and one (1) trails where more than fifteen (15) machines are involved. The maximum number of snowmachines allowed in one group may not exceed thirty (30). ()

03. Emergency Equipment. All snowmobiling tours have with them necessary emergency equipment, tools, and spare parts for the machine(s) in use. ()

04. Reduction in Guide Ratios. An outfitter may apply to the Board to 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, when the guide has electronic communication for summoning assistance at all times during the excursion. ()

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 agreements and designations of allocated tags with the concurrence of the Board, under the following conditions: ()

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. ()

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(f), Idaho Code. ()

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. ()

d. The Executive Director may defer granting or denying any license or related matter to the Board for action by the Board. ()

e. The Executive Director may not waive fees. ()

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: ()

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 place the licensee on probation. ()

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 place the licensee on probation. ()

c. The Board will 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(f), Idaho Code, unless unusual mitigating circumstances exist. ()

065. -- 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 to ensure adequate equipment and gear is utilized and maintained in a manner which meets minimum standards of public acceptability and which meets the requirements of applicable local, state, or federal laws and rules. ()

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 the Act, these rules, or both.

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

I.C. Section 36-2113(a)	First Offense	Second Offense	Third Offense
2.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
3.	All Penalties Are 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 Are Within The Board's Discretion.		
14.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine

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02. Restrictions. No license will 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. ()

03. Terms of Probation. Typical terms of probation are that there are no violations of local, state or federal laws or ordinances, and no amendments to the license during the term of probation, and other restrictions as the Board orders. ()

069. -- 999. (RESERVED)