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**IDAPA 25
TITLE 01
CHAPTER 01**

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD

000. LEGAL AUTHORITY.

Rules of the Idaho Outfitters and Guides Licensing Board have been promulgated in accordance with the Idaho Administrative Procedures Act and pursuant to authority granted in the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21). Pursuant to Section 36-2107, Idaho Code, the Board offices shall be located at 1365 N. Orchard, Suite 172, Boise, Idaho 83706. The Board's normal working hours are from 8 a.m. to 5 p.m. Mountain Time zone. The Board's telephone number is (208) 327-7380 and the FAX number is (208) 327-7382. The Board shall accept electronic signatures including facsimile signatures and other electronic signatures to the extent the Board's electronic equipment is able to receive and process such signatures. (3-30-01)

001. TITLE AND SCOPE.

The purpose is: (7-1-93)

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

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

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

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

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

002. DEFINITIONS.

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

01. Act. Shall mean Idaho Code, Title 36, Chapter 21, commonly known as the Outfitters and Guides Act, as amended. (4-1-92)

02. Administrative Noncompliance. (3-10-03)

a. Two (2) or more repeated failures to apply for license renewal in a timely manner; or (3-10-03)

b. Two (2) or more repeated failures to file a complete application pursuant to Section 36-2113(a)(1), Idaho Code. (3-10-03)

03. Authorized Person. An investigator or enforcement agent in the employ of the Board, a conservation officer of the Idaho Department of Fish and Game, or any local, state, or federal law enforcement officer. (4-1-92)

04. Board. The Idaho Outfitters and Guides Licensing Board. (4-1-92)

05. Board Meeting. The set schedule of meeting dates established for conduct of regular Board business on a calendar year basis. Additional meetings may be scheduled as necessary (See Section 071). (4-1-92)

06. Booking Agent. Any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele. (4-1-92)

07. Compensation. The receipt or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party shall not be deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (4-1-92)

08. Completed Application. An application submitted for Board consideration which contains all of the material required to be submitted by the Board for that license category. (4-1-92)

09. Consideration. The receipt or taking of goods, services, or cash in exchange for the provision of facilities and services in the conduct of outfitted or guided activities. (4-1-92)

10. Desert. A region of scarce rainfall and vegetation in areas often having great differences between day, night and seasonal temperatures. A desert is a land surface ranging from level, plateau land, or undulating to sharply breaking hill-lands and sand dunes that, in addition, may be broken by poor to well-defined, deeply entrenched drainage systems, rims, cliffs, and escarpments. (4-1-92)

11. Designated Agent. An individual who meets all qualifications for an outfitter's license who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations. A designated agent may act as a guide if he possesses the qualifications of a guide as determined by the Board. (Previously referred to as Managing Agent). (4-11-06)

12. Drift Boats. Shall be substituted for and have the same meaning as "float boats" defined below. (4-1-92)

13. Enforcement Agent. An individual employed by the Board having the power of peace officers to enforce the provisions of the Idaho Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and the Rules promulgated thereunder. (4-1-92)

14. Facilities and Services. The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (4-1-92)

15. First Aid Card. A valid card issued by the American Red Cross to denote the individual whose name and signature appear thereon has successfully completed an applicable Red Cross course and is qualified to render appropriate, minimal first aid as prescribed by the American Red Cross, or other valid evidence showing successful completion of an equivalent course conducted by an organization acceptable to the Board. (4-1-92)

16. Fishing. Fishing activities on those waters and for those species described in the rules of the Idaho Department of Fish and Game, IDAPA 13.01.11, "Rules Governing Fish," general fishing seasons and any anadromous fishing rules; for purposes of the "Act," fishing is defined as follows: (4-1-92)

a. Anadromous fishing means fishing for salmon or steelhead trout. (4-1-92)

b. Float boat fishing means the use of floatboats without motors for the conduct of fishing as a major activity on those waters open to commercial activities as set forth in Section 059. (4-1-92)

c. Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures,

as defined by Idaho Department of Fish and Game rules. (4-1-92)

d. Incidental fishing means fishing conducted as a minor activity. (4-1-92)

e. Power boat fishing means the use of power boats in conduct of fishing as a major activity on those Idaho waters open to commercial outfitting activities as set forth in Section 059. (4-1-92)

f. Walk and wade fishing means fishing conducted along or in a river, stream, lake or reservoir, and may include the use of personalized flotation equipment, but does not include the use of watercraft. (4-1-92)

17. Float Boats. Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (4-1-92)

18. Guide. An individual who meets the criteria as set forth in Idaho Code 36-2102(c), and has further met the required qualifications as prescribed in the Rules to provide professional guided services to clientele in the pursuit and conduct of licensed activities. (4-1-92)

19. Guide License. A license issued by the Board to an individual who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities as defined in Idaho Code 36-2102(c). (4-1-92)

20. Hazardous Excursions. Outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment which may constitute a potential danger to the health, safety, or welfare of participants involved. These activities shall include, but are not limited to: day or overnight trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, and motored and non-motored cycling, but does not include wagon rides or sleigh rides. (3-10-03)

21. He/His/Him. Shall mean either the male or female gender. (4-1-92)

22. Hunting. The pursuit of any game animal or bird and all related activities including packing of client camp equipment, supplies, game meat and clients to and from a hunting camp. (3-30-01)

23. Incidental Activity. Shall be and is the same as a minor activity. (4-1-92)

24. Minor Amendment. All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (4-11-06)

25. Investigator. An individual employed by the Board to monitor compliance with the provisions of the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and Rules promulgated thereunder and issue warning tickets for violations thereof. An investigator shall not have arrest powers nor any other power of a peace officer. (4-1-92)

26. Major Activity. A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (4-1-92)

27. Major Amendment. All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (4-1-92)

28. Minor Activity. A licensed activity the nature of which must be carried out in conjunction with a major activity, but is not the primary purpose of the excursion. (3-15-02)

- 29. Mountainous.** A region receiving limited to abundant annual precipitation with an associated vegetative cover of grass, weeds, shrubs, or trees. Cool summer temperatures and cold winter temperatures prevail. A mountainous area is a land surface ranging from level to gently rolling low hills to elevated lands that are often broken with poor to well-developed, deeply entrenched drainage systems, rims, cliffs, and escarpments to steep-sided land masses of impressive size and height. (4-1-92)
- 30. New Opportunity.** A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past. (4-1-92)
- 31. Nonresident.** An individual, corporation, firm, or partnership who is not a resident of the state of Idaho. (See "Resident"). (4-1-92)
- 32. Operating Area.** The area assigned by the Board to an outfitter for the conduct of outfitting activities. (4-1-92)
- 33. Operating Plan.** A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (See Subsection 018.03). (4-1-92)
- 34. Outfitter.** An individual, corporation, firm, partnership, or other organization or combination thereof that meets the criteria as set forth in Idaho Code 36-2102(b), and has further met the required qualifications as prescribed in the Rules to conduct an outfitting business in Idaho. (4-1-92)
- 35. Outfitter License.** A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in Section 36-2102(b), Idaho Code. The conduct of an outfitted operation on any land(s) is not authorized unless signed permission, a permit, or a lease is obtained from the land owner(s), or their agent(s), and filed with the Board. (3-15-02)
- 36. Out-of-Pocket Costs.** The direct costs attributable to a recreational activity. Such direct costs shall not include: (4-1-92)
- a.** Compensation for either sponsors or participants; (4-1-92)
 - b.** Amortization or depreciation of debt or equipment; or (4-1-92)
 - c.** Costs of non-expendable supplies. (4-1-92)
- 37. Power Boats.** All motorized watercraft used on Idaho waters open to commercial outfitting activities as set forth in Subsections 059.01 and 059.02. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steering. (4-1-92)
- 38. Relinquishment of License Privileges.** The failure to re-apply at the expiration of a license; the loss through nonuse, inactivity, revocation, or voluntary surrender of a license; or other loss of license. (See Subsection 030.03). (3-23-98)
- 39. Resident.** An individual, corporation, firm, or partnership who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license. (4-1-92)
- 40. Rules.** The Rules of the Board. (4-1-92)
- 41. Stay of Board Action.** An order, pursuant to Idaho Code 67-5215(c), stopping or delaying the enforcement of a Board decision, order or action. (4-1-92)
- 42. Third Party Agreement.** The allowing of the conduct of an outfitted or guided activity by the outfitter licensed to conduct those activities by any persons not directly employed by said outfitter. (See Section 023). (4-1-92)

43. Trainee. A person not less than sixteen (16) years of age who does not possess the necessary experience or skill qualifications required to obtain a guide license, but who is working toward obtaining the necessary experience or skill qualifications. This required training shall be recorded on a form provided by the Board. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. (5-1-95)

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

45. Unethical/Unprofessional Conduct. Any activity(ies) by an outfitter or guide which is inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to: (3-30-01)

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

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

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

003. QUALIFICATIONS.

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

- 01. Age.** Be at least eighteen (18) years of age. (3-1-86)
- 02. First Aid.** For a guide, or for an outfitter who wishes to guide, have a first aid card and be aware of general emergency procedures. (3-1-86)
- 03. Knowledge.** Have extensive, first-hand knowledge of the area and/or waters and/or activities

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

004. LICENSE REQUIREMENTS.

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

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

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

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

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

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

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

005. LICENSE PRODUCTION.

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

006. FIRST AID KIT.

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

007. LICENSE RESTRICTIONS.

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

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

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

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

04. Guide Restrictions. A guide shall not guide for any activity(ies), or on any water, or in any operating area for which his employing outfitter is not licensed. (5-1-95)

05. Qualifications. The qualification(s) of an outfitter or guide licensee shall be determined in accordance with Idaho Code, Title 36, Chapter 21, and Rules promulgated thereunder. (10-15-88)

06. Limitation. A limitation in number of clientele served, operating area, or any other criteria

affecting the safety, health, and welfare, of the public or viability of the fish, and wildlife, or other natural resources shall be imposed in licensing where such limitation is deemed necessary by the Board in accordance with Idaho Code, Title 36, Chapter 21, and the Idaho Outfitters and Guides Licensing Board Rules. (10-15-88)

07. Notification. An outfitter shall notify the Board: (10-15-88)

a. When an outfitter permanently terminates the services of a licensed guide during the season, the Board shall be notified within fifteen (15) days, stating the date of termination. (10-15-88)

b. When an outfitter employs a licensed guide who is not currently licensed under his outfitter's license, said outfitter shall notify the Board within fifteen (15) days. (4-11-06)

c. The above requirements shall not apply in the case of a temporary employment, or short term "loan" or transfer (less than fifteen (15) days duration and not on a routine basis) of a guide between outfitters, or termination of employment of a guide upon completion of the seasonal activity for which the guide was employed. When there is a loan or transfer, the employing outfitter or authorized agent shall keep written documentation of the loan or transfer and dates and times. Repeated transfers or loans of guides are required to be done by using the amendment process. (4-11-06)

d. In addition, an outfitter may employ an individual to guide for ten (10) days or for one (1) excursion, whichever is less, using a letter of authorization provided by the Board. With the exception of a current first-aid card, the individual shall be otherwise fully qualified to provide guiding services in the area and for the activity guided. The employing outfitter shall certify to the Board prior to employment that the individual is qualified and may only use one (1) individual in this manner per license year. (4-11-06)

008. EMPLOYMENT OF OUTFITTERS.

An outfitter may guide for another outfitter or rent or lease equipment or services as follows: (10-15-88)

01. Other Outfitter. An outfitter may guide for another outfitter when properly employed by that outfitter, provided that both the employee and employer licenses contain a statement indicating Board approval for such guiding to occur. (10-15-88)

02. Other. If an outfitter is employed to guide activities not covered by his own guide license, he must first submit his qualifications to the Board for approval along with the certification required from the employing outfitter prescribed in Subsection 034.02. (10-15-88)

03. No Sharing of Profits. While an outfitter is employed as a guide by another outfitter, there shall be no sharing of profits or equipment and/or animals other than leased equipment and/or leased animals. An outfitter when employed as a guide may only render personal services as would any other guide. (10-15-88)

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

009. (RESERVED).

010. COMPLIANCE WITH LAWS.

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

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

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

011. PRIVATE MEMBERSHIP.

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

012. OUTFITTER RESPONSIBILITIES.

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

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

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

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

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

013. APPLICATION FORMS.

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

014. RESIDENCY.

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

015. ANNUAL DATE, MULTIPLE YEARS, FEES, AND PAYMENT.

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

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

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

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

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

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

a. A completed application received by the Board the last day of the license year - no penalty fee shall

apply. (4-11-06)

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

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

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

05. Multiple Year Licenses. (3-20-04)

a. Beginning in license year 2004, outfitter and designated agent licenses may be issued for a one (1) year or three (3) year period. All new applicants must be licensed for two (2) years before the applicant may apply for a three (3) year license. (3-20-04)

b. License fees shall be prorated based on the number of years for which the applicant is licensed. The multiyear license fee may be transferred to the bona fide purchaser of an outfitter business. Bona fide purchasers of an outfitter business will be credited for annual license fees for prorated years remaining with a business at the time of the purchase. (3-20-04)

c. The multiple year fee must be paid at the time of renewal and prior to the beginning of the license period. This does not relieve a licensed outfitter from submitting annual reports and use reports, and annual bonding and insurance requirements. (3-20-04)

d. There shall be no reimbursement of fees should the license become revoked or relinquished. (3-20-04)

e. Outfitters must submit renewal applications no later than January 31 prior to the subsequent license period. (3-20-04)

06. Payment. (4-11-06)

a. Prior to the issuance of a license, an applicant must submit the appropriate fee in the form of a certified check, cashier's check, money order, outfitter's company check or use of outfitter and designated agent credit cards. (4-11-06)

b. The applicant must pay an annual license fee for each license issued, submit annual use reports for each license, and be able to differentiate between each business and its clients. (4-11-06)

c. Designated Agents must pay an annual license fee for each license issued. (4-11-06)

d. Guides must pay an annual license fee for a license but that license can be amended to include more than one (1) outfitter. (4-11-06)

07. Expedited or Emergency Application Fees. The fee for expedited or emergency applications for which there is a request to have the application pulled forward before other applications and have it processed and a license issued within seven (7) days of receipt of the application shall be: (3-16-04)

a. One hundred fifty dollars (\$150) for an outfitter license; (3-16-04)

b. Seventy-five dollars (\$75) for a designated agent license; and (3-16-04)

c. Fifty dollars (\$50) for a guide license. (3-16-04)

08. Resubmittal, Exceptional or Special Processing of Application. The fee for resubmittal, exceptional or special processing of an application that is incomplete, or for other reasons for which the Board is otherwise unable to process the application shall be: (3-16-04)

- a. One hundred dollars (\$100) for an outfitter license; (3-16-04)
- b. Seventy-five dollars (\$75) for a designated license; (3-16-04)
- c. Fifty dollars (\$50) for a guide license; and (3-16-04)
- d. Five dollars (\$5) for allocation fee recovery. (3-16-04)

09. Fees Associated With the Filing of Applications. There shall be a credit for online and electronic filing of applications, and a fee for the use of credit cards corresponding to the cost to the agency for processing the card pursuant to Section 36-2108, Idaho Code. (3-16-04)

- a. Twenty dollars (\$20) for an outfitter license; (3-16-04)
- b. Seven dollars (\$7) for a designated agent license; and (3-16-04)
- c. Five dollars and twenty-five cents (\$5.25) for a guide license. (3-16-04)

016. REFERENCE REQUIREMENTS.

When an outfitter applicant has not been licensed within the previous five (5) years, he must include as references: (5-1-95)

01. Five People. The names and addresses of five (5) people, not related to the applicant, who have known him for at least five (5) years, three (3) of whom have knowledge of the applicant's qualifications to act as an outfitter; and two (2) of whom shall be bank or credit references. (5-1-95)

02. Two Recent Employers. The applicant must also include the names and addresses of his two (2) most recent employers and dates of employment with each. (3-1-86)

017. REVIEW OF OUTFITTER APPLICATIONS.

An outfitter application requesting activities and operating areas identical to a license held the previous year will be reviewed thirty (30) days from the date all materials required for a complete application are received. An application requesting activities or areas in addition to those licensed the preceding license year, or an initial application, will be reviewed ninety (90) days from the date all materials are received. (3-10-03)

018. NEW OUTFITTER OR OUTFITTER LICENSE AMENDMENT APPLICATION.

In order to be complete, a new outfitter license or outfitter license amendment application, or new landowner signoff in existing areas must, in addition to all other requirements: (3-15-02)

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

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

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

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

03. Operating Plan. Include an operating plan. The operating plan shall include, among other things,

the following: (9-1-90)

- a.** A list of the activities to be conducted in the operating area(s) requested. (9-1-90)
- b.** A detailed map showing the operating area(s) requested for each activity and a worded description of the boundaries of said operating area(s), described in terms of rivers, creeks, and ridges with prominent reference coordinates (section, township, and range). (9-1-90)
- c.** An outfitter whose operation is solely on rivers, streams, lakes or reservoirs should specify put-in and take-out points but need not send maps. (9-1-90)
- d.** A detailed description of how and when each operating area(s) will be used for each activity. (9-1-90)
- e.** The proposed number of guests intended to be accommodated for each activity within the proposed operating area(s). (9-1-90)
- f.** A list of the names and locations of camps that will be used for each activity, and whether on public or private land. (9-1-90)
- g.** A list of the basic equipment, facilities, and livestock, and proof of financial capability necessary to conduct the proposed outfitted activity or business. (9-1-90)
- h.** The number, title (guide, lead guide, etc.), and principal activities of individuals to be employed in the business operation. (9-1-90)
- i.** A plan to assure the safety and provide for emergency medical care of guests. (9-1-90)

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

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

019. DESIGNATED AGENT.

When the applicant is a corporation, firm, partnership, or other organization or combination thereof, a supplemental form shall be completed and it shall designate at least one (1) designated agent who is a qualified outfitter who shall be responsible for the outfitting business. The outfitter business and designated agent(s) must each make application and obtain licenses. Proof of a bond must be submitted to the Board to complete a renewal application. Any new applicant who has been approved by the Board must submit a bond prior to the issuance of a license. (4-11-06)

020. EXAMINATION.

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

021. EVALUATION OF THE OUTFITTER APPLICATION.

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

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

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

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

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

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

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

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

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

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

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

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

022. ISSUANCE OF AN OUTFITTER LICENSE.

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

023. THIRD PARTY AGREEMENTS.

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

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

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

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

04. Booking Agent. This Rule shall not be deemed to apply to the conduct of a booking agent nor to an agreement between two (2) or more outfitters in which the outfitters provide services to the same party or parties

within their respective operating areas. (10-15-88)

024. STANDARDS FOR NON-USE.

An outfitter license is a publicly issued license enabling the holder to provide outfitted and guided services to the public. Because many outfitters operate on public lands and waters, there is an expectation that these services be provided adequately and that the public's natural resources are utilized appropriately. It is important to determine whether the outfitter is providing, or attempting to provide, the public service intended. It is recognized that there are various factors outside the control of an outfitter that may affect an outfitter's business operation. This rule establishes the process used by the Board to monitor the use of outfitter assigned activities and operating areas, to determine the causes for outfitter inactivity, and to fairly administer identified remedies when this service is inadequately provided or the resource is inadequately used. The Board will prioritize the need for action on non-use based on, among other factors, interest or demand for the particular activity or area. (4-11-06)

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

02. Definitions. (4-11-06)

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

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

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

03. Process. (4-11-06)

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

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

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

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

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

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

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

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

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

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

06. Non-Use During a Sale. Board staff shall review all full or partial business sales for non-use. If it is determined a major activity or operating area has had zero (0) or negligible use, the Board may review the sale and the issuance of a license may be denied. In some instances the Board may approve the sale with notification to the buyer that use must be established within the following two (2) out of the next three (3) years or the area or activity may be removed from their license. (4-11-06)

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

025. OUTFITTER RENEWAL.

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

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

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

026. OPERATING AREA ADJUSTMENTS.

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

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

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

a. Any changes in wildlife harvest, including any increase or decrease in wildlife harvest attributable to the licensee's activity(ies). (10-15-88)

b. Any new limitation(s) imposed or recommendation(s) made regarding wildlife harvest in the operating area(s) by any governmental agency since the issuance of the license. (10-15-88)

c. Any environmental change(s) that have occurred in the operating area(s) that affect wildlife management. (10-15-88)

d. Any undesirable wildlife impact(s) that may be ameliorated by a territorial adjustment. (10-15-88)

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

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

a. Any incident(s) of territorial conflict and how they might be ameliorated by a territorial adjustment. (10-15-88)

- b.** The extent of each licensee's legal use of the disputed area. (10-15-88)
- c.** Any public or client safety concerns that might be ameliorated by or might arise from the inclusion of the disputed area as part of a particular licensee's operation. (10-15-88)
- d.** Any environmental or operational factors that indicate which licensee will be able to make the best use of the disputed area in providing services to the public considering, among other things, each licensee's licensed activity(ies) and the relationship of that activity(ies) to the activity(ies) conducted in the disputed area, each licensee's total operating area, the financial stability of each licensee, and the accessibility of the disputed area from adjacent operating area(s). (10-15-88)
- e.** Any recommendation(s) submitted by any governmental agency that regulates or manages land or wildlife within the disputed area. (10-15-88)

04. Safety Adjustment. In determining whether to adjust an operating area for reasons of safety of persons using the services of an outfitter, the Board or hearing officer shall consider, among other things, the following: (10-15-88)

- a.** Any change(s) in the environmental condition(s) in the area that may pose a threat to the health and safety of persons using the operating area. (10-15-88)
- b.** Any change(s) in the manner or amount of public use of the operating area since the issuance of the license that may pose a threat to the health and safety of persons using the operating area. (10-15-88)
- c.** Any change(s) in a licensee's manner of operation within the operating area that may affect clientele safety considering, among other things, change(s) in the condition(s) of the licensee's capability or equipment. (10-15-88)
- d.** Any safety-related incident(s) that have occurred in the operating area. (10-15-88)
- e.** Any safety concern(s) expressed by any governmental agency that regulates or manages land or wildlife within the operating area. (10-15-88)
- f.** Any new information discovered since the issuance of the license regarding safety. (10-15-88)

027. OUTFITTER LICENSE TENURE.

Tenure in any outfitter's operating area ceases with the expiration of his outfitter license at the end of the license period. Priority in the operating area may be maintained by submitting a complete application for a license for the ensuing license period before the expiration date of the current license. If a completed application is not received by the Board within ninety (90) days following the end of the license period, the license is relinquished. (3-15-02)

028. OUTFITTER BUSINESS PURCHASE, LICENSE CONSIDERATIONS.

- 01. Transferability.** An outfitter license is not transferable. (3-15-02)
- 02. Issuance to Purchaser.** The purchase of an outfitting business from a licensed outfitter does not require the Board to transfer the operating area(s) of the licensee to the purchaser or to issue to him an outfitter license; however, an applicant who has negotiated a purchase agreement with a licensee may be given priority for a license if he meets all other outfitter requirements. (3-15-02)
- 03. Notification to Clients.** When an existing operation is acquired by another outfitter, all clients who have booked with the original outfitter must be promptly notified. Each client must be satisfied with the new arrangements or his advance payment must be refunded. (3-15-02)

029. OUTFITTER LICENSE CANCELLATION.

The cancellation of an outfitter license bond by the insurer automatically cancels the outfitter's license. (3-1-86)

030. OUTFITTER WAITING LISTS.

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

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

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

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

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

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

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

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

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

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

032. EMPLOYMENT BY OUTFITTER.

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

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

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

033. GUIDE QUALIFICATIONS.

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

034. GUIDE APPLICATION REQUIREMENTS - GENERAL.

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

01. First Aid Card. Be accompanied by an affidavit signed by the employing outfitter that the applicant will have a valid first aid card before they are employed as a guide. (4-11-06)

02. Signatures. Have the signature of the applicant and of the licensed outfitter(s) who wishes to employ the applicant as a guide, who shall certify that the applicant: (4-1-92)

a. Is qualified to perform the type of guiding activity(ies) for which the applicant seeks licensing; i.e., hunting, boating, skiing, or other as may be applicable. (4-11-06)

b. Has extensive, first-hand knowledge of the operating area(s) and water(s) in or on which the applicant will be guiding. (4-11-06)

c. If the applicant is land based, is able to read and understand a map and compass or operate a global positioning system (GPS) or other computerized map system. (4-11-06)

d. Is clean and well-mannered with a desire to please those whom the applicant is called upon to serve. (4-11-06)

e. The applicant for a hunting or boating guide license shall satisfy the training requirements pursuant to Sections 035 through 042 of this rule, prior to performing guiding services for an outfitter. Power boat fishing guides shall satisfy the training requirements pursuant to Section 048 of this rule. (5-8-09)

f. For hunting and boating guide applicants, the training form or log set forth in Sections 035 through 042 and Section 048 of this rule and shall be completed in full on a form provided by the Board before the guide license application is submitted to the Board and shall be maintained by the outfitter during the time the guide is employed by the outfitter for one (1) complete license year following the termination of employment of the guide. (5-8-09)

g. The applicant for a ski guide license shall satisfy the training requirements pursuant to Section 044 of this rule prior to performing guide services for an outfitter. The training documentation required pursuant Section 044 of this rule shall be provided to the Board by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide. (5-8-09)

h. The applicant for a Technical Mountaineering/Rock Climbing license shall satisfy the training requirements pursuant to Section 045 of this rule prior to performing guide services for an outfitter. The training documentation shall be provided to the Board by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide. (5-8-09)

i. The applicant for a Snowmobiling guide license shall satisfy the training requirements pursuant to Section 047 of this rule prior to performing guide services for an outfitter. The training documentation on these forms shall be provided to Board the by the outfitter for each guide at the time of application. A copy shall be maintained by the outfitter for one (1) complete license year following the termination of employment of the guide. (5-8-09)

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

035. GUIDE APPLICATION REQUIREMENTS - HUNTING.

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

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

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

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

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

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

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

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

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

037. BOATMAN LICENSE TRAINEES.

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

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

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

038. FLOAT BOAT GUIDE -- UNCLASSIFIED RIVERS.

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

039. FLOAT BOAT GUIDE -- CLASSIFIED RIVERS.

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

040. FLOAT BOATMAN QUALIFICATIONS -- CLASSIFIED RIVERS.

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

01. General. He shall have had three (3) complete float boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river (complete trip means the total section of river designated by the Board in Subsection 059.01), or he shall have had one (1) or more complete float

boat trips on each of the classified rivers applied for under the direct supervision of a float boatman licensed for that river with the remaining trip(s) in a boat with no more than one (1) other trainee, following a licensed float boatman for that river, but he must not have passengers in the boat. (4-1-92)

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

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

02. Other. Or, he shall have logged at least five hundred (500) miles as a commercial float boat guide on any rivers applicable to Subsection 040.01.a., and shall have one (1) complete float boat trip on each river applied for under the direct supervision of a float boatman licensed for that river, or in a boat with no more than one (1) other trainee, following a float boatman licensed for that river, but there must not be any passengers in the boat. (Complete trip means the total section of river designated by the Board in Subsection 059.01). A log of this experience shall be recorded on a form provided by the Board office and maintained by the outfitter showing the dates, location of float boat trips and the signature of the outfitter. (5-8-09)

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

041. FLOAT LEAD BOATMAN QUALIFICATIONS.

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

042. POWER BOAT GUIDE.

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

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

02. Unclassified Rivers and Streams. An applicant shall have spent at least ten (10) power boating hours on the total length of the river or section of river designated by the Board on the application for which he wishes to operate, under the direct supervision of a power boat guide licensed for that river or stream. The ten (10) hours required shall be distributed as evenly as possible along the total length of the river or section of river for which qualification is sought. (4-1-92)

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

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

043. (RESERVED).

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

01. Applications. (4-11-06)

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

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

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

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

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

- i.** Standard First Aid training as per guide licensing in Idaho; (4-11-06)
- ii.** Level I field-based avalanche training consisting of a twenty-four (24) hour curriculum submitted and an instructor roster; (4-11-06)
- iii.** Knowledge of Outfitters Scope of Operation including logistics, services, terrain; and (4-11-06)
- iv.** A letter of reference from the employing outfitter. (4-11-06)

b. Level II ski guide (hazardous terrain). Has in-depth ski guiding experience on hazardous terrain and has the following qualifications: (4-11-06)

i. Two (2) winter seasons training with Licensed Level II Ski Outfitter or Guide or equivalent work experience with another Level II ski operation which conduct services principally in hazardous or avalanche terrain; (4-11-06)

- ii. Advanced First Aid, WFR, or EMT of a minimum of forty-eight (48) hours; (4-11-06)
 - iii. Level 1 and Level II field-based avalanche training consisting of at least forty-eight (48) hours curriculum with a submitted instructor roster; (4-11-06)
 - iv. Knowledge of the Outfitters Scope of Operation including logistics, services, terrain; and (4-11-06)
 - v. A letter of reference from the employing outfitter. (4-11-06)
- 03. Outfitters.** Outfitters who conduct winter ski-based operations may be designated as: (4-11-06)
- a. Level I: self-propelled, with snowcat, or with snowmobile assisted including day skiing, hut skiing in non-hazardous terrain; (4-11-06)
 - b. Level II: self-propelled including day skiing, hut skiing, multi-day expeditions, in hazardous terrain; or (4-11-06)
 - c. Level II skiing operations with snowcats, helicopters, or ski from out of bounds from ski areas. (4-11-06)
- 04. Outfitters Plan of Operation.** A detailed Outfitters Plan of Operation is required which includes a plan for snowpack, terrain and avalanche safety assessment, additional transport utilized (i.e., snowmobiles, snowcats, helicopters) and instruction and training plans of guides working around related equipment. Additional safety and training standards for guides must be detailed in the operating plan. (4-11-06)
- 05. Field Supervisor.** The Outfitter must employ at least one individual acting as a field supervisor who must be a working Guide with the appropriate level of licensing for the operation and a minimum of five (5) years working at that level of guiding as to the scope of the operation, if the outfitter or Designated Agent does not satisfy this experience qualification. The individual will be required to provide a cover letter for each guide application attesting to the guides qualifications. (4-11-06)
- 06. Ski Guide Trainees.** Trainees may be selected for employment by the outfitter and are not required to have a license. A trainee may only assist a licensed guide's direct supervision and trainees may not provide guided services to clients. Trainees must have thirty (30) days experience with a licensed ski guide in the outfitter's operating area and must meet all other guide requirements of Section 044 prior to submitting a guide application. (4-11-06)
- 045. (RESERVED).**
- 046. TECHNICAL MOUNTAINEERING/ROCK CLIMBING GUIDE.**
Any applicant for a technical mountaineering/rock climbing guide license will be required to submit to the Board a detailed explanation of his qualifications, experience, and training. (3-1-86)
- 047. SNOWMOBILING GUIDE.**
Applicants for a snowmobiling guide license shall: (4-1-92)
- 01. Snowmobling Techniques.** Have working knowledge of snowmobiling techniques; (4-1-92)
 - 02. Avalanche.** Have good leadership qualities and be knowledgeable in regards to potential avalanche conditions and proper route selection; (4-1-92)
 - 03. Map and Compass.** Have ability to read a map and compass; (4-1-92)
 - 04. Hypothermia.** Be knowledgeable in treatment of hypothermia and in winter survival techniques; (4-1-92)
- and

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

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

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

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

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

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

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

049. REPORTS.

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

050. GENERAL FISH AND GAME RULES.

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

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

01. Hot Pursuit of Bear and Cougar With Hounds and Hot Pursuit Agreements. With prior Board approval, an outfitter may enter into an adjacent area with a client for hot pursuit of bear and cougar hunting when hunting with hounds. The pursuit may not be started outside of the outfitter's licensed area. Outfitters may negotiate agreements with adjoining outfitters for hot pursuit of bear and cougar when hunting with hounds. Such agreements constitute a minor amendment. A copy of the amended agreement must be filed with the Board annually. An outfitter wishing to conduct a hot pursuit hunt outside his licensed area with a client must: (3-20-04)

a. Obtain written permission from all outfitters whose licensed area(s) will be directly involved in the hunt; (3-20-04)

b. Obtain written permission from all applicable landowners or land managers; (3-20-04)

c. Obtain approval from the Outfitters and Guides Licensing Board to conduct the hunt by satisfying the following criteria: (3-20-04)

i. Must be licensed for bear and cougar hunting; and (3-20-04)

ii. Submit an incidental amendment fee. (3-20-04)

d. With prior Board approval, on a case by case basis and under special circumstances, the Board may waive the requirement for approval from the adjacent outfitter. (3-20-04)

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

03. Guide Services to Clients Outside Outfitter's Operating Area. Clients may not be provided

guided services when outside the outfitters area, including any drop camp situation except as provided in Subsection 051.01. Outfitters providing unguided hunts may be subject to Board action for clients hunting outside their operating area. (3-20-04)

052. BOAT TRANSPORT OF HUNTING CLIENTS.

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

053. CONTROLLED HUNTS OUTSIDE OUTFITTER'S OPERATING AREA.

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

a. Obtain written permission from all outfitters whose licensed area(s) will be directly involved in the hunt; (3-30-01)

b. Obtain written permission from all applicable landowners or land managers; (3-30-01)

c. Obtain approval from the Outfitters and Guides Licensing Board to conduct the hunt by satisfying the following criteria: (3-30-01)

i. Must be licensed for the controlled hunt species; and (3-30-01)

ii. Send a written request to the Board for special one-time hunt approval, to include the hunter name and address, hunting license, tag and permit numbers, controlled hunt number, and dates of hunt. (3-30-01)

d. Submit a ten-dollar (\$10) amendment fee. (3-30-01)

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

054. BOAT EQUIPMENT REQUIREMENTS.

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

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

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

03. Identification. (3-20-04)

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

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

055. BOATING CLIENT/GUIDE RATIO.

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

056. BOND REQUIREMENTS.

Pursuant to Section 36-2108(b), Idaho Code, outfitters shall submit a bond of five thousand dollars (\$5,000) if the gross income of the outfitting business for the previous calendar year, rounded up to the nearest whole thousand dollars, does not exceed ten thousand dollars (\$10,000). Outfitters with a gross income of the outfitting business for the previous calendar year of more than ten thousand dollars (\$10,000) shall submit a bond of ten thousand dollars (\$10,000). An outfitter who conducts day trips only may petition the Board for a reduction to a five thousand dollar (\$5,000) bond. With prior approval from the Board, outfitters may submit a cash bond to the Board including, but not limited to, certificates of deposit, registered checks, certified funds and money orders. (3-19-99)

057. ALLOCATION OF DEER AND ELK TAGS.

The number of deer or elk tags allocated among the authorized operating areas within each game management area, unit or zone will be determined by the Board pursuant to Section 36-408(d) and 36-408(j), Idaho Code, based on historical use and a tag allocation factor shall be noted on the license of each outfitter so affected. (3-23-98)

058. NUMBER OF OUTFITTERS AND GUIDES LIMITED.

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

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

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

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

River/Section	Maximum No. Power	Maximum No. Float
(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
(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 (boating closing date is June 30). Fishing limit is two (2) float boats per license with a maximum of two (2) clients at a time per boat. Two (2) additional walk and wade licenses can be issued. Walk and wade limited to a maximum of two (2) clients at a time per license.	none	1
(CD2) Coeur d'Alene River - South Fork confluence downstream to Cataldo Mission Boat Ramp. The float boat closing date is June 30. Fishing limit is one (1) float boat per license with a maximum of two (2) clients or two walk and wade clients per license at a time. Walk and wade activities do not have to be initiated from a float boat.	none	1

River/Section	Maximum No. Power	Maximum No. Float
(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
(KO1) Kootenai River - Montana stateline to Canada boundary	5	5
(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

River/Section	Maximum No. Power	Maximum No. Float
(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

(4-11-06)

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

River/Section	Maximum No. Power	Maximum No. Float
###(MF1) Salmon River, Middle Fork - Boundary Creek to Indian Creek	none	27
### (MF2) Salmon River, Middle Fork - Indian 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

River/Section	Maximum No. Power	Maximum No. Float
(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
* (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

River/Section	Maximum No. Power	Maximum No. Float
<p>(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.</p>	none	5

(4-11-06)

03. Licensable Waters -- River Sections (SH1) Henry's Fork Snake River Through (TE3) Teton River -- Table. The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

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 - St. Anthony to confluence with South Fork of Snake River. Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.</p>	none	4

River/Section	Maximum No. Power	Maximum No. Float
<p>(SS1) Snake River - South Fork - Palisades Dam to confluence with Henry's Fork. No more than four (4) boats per section/per day may be used by an outfitter at any one time on any of the following river reaches: (a) Palisades Dam to Swan Valley Bridge; (b) Swan Valley Bridge to Black Canyon (Exception: Not more than eight (8) boats will be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m.); (c) Black Canyon to Poplar (Kelly Canyon); and (d) Poplar to the confluence with Henry's Fork. Restrictions: No outfitter may have more than twelve (12) boats on the SS1 in any one (1) day. Further, the lower boundary of Section (a) (Palisades Dam to Swan Valley Bridge) shall overlay Section (b) to the Conant takeout (Swan Valley Bridge to Black Canyon), and Section (b) shall overlay Section (c) to the Cottonwood access. Supply boats which do not carry clients are exempt from these restrictions.</p>	5	6
<p>(SN1) Snake River - Henry's Fork confluence downstream to Gem State Power Plant</p>	3	3
<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	
(TE3) Teton River - Harrop Bridge to confluence with Snake River, motors not to exceed 10 hp	none	5

* Classified rivers

Floatboat and powerboat outfitters on these sections shall be considered within their area of operations when hiking from the river or fishing in tributaries away from the river, but shall not include overnight activities. Conflicts with land-based outfitters shall be handled on a case-by-case basis.(3-30-07)

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

(4-1-92)

05. Other Lakes and Reservoirs. All other Idaho lakes and reservoirs shall be limited to two (2) outfitters with a maximum of two (2) boats (float or power) per outfitter. (4-1-92)

060. SKIING.

01. Cross-Country. All cross-country ski tours shall have with them necessary emergency provisions, including a first aid kit. (5-1-95)

02. Alpine. All general Rules for outfitters and guides shall apply to backcountry alpine skiing. All backcountry alpine ski tours shall have with them necessary emergency provisions, including a first aid kit. (5-1-95)

03. Backcountry Alpine. Backcountry alpine ski outfitters must have an operating plan approved by the Forest Service prior to conducting any outfitting or guiding operations. (3-1-86)

061. TECHNICAL MOUNTAINEERING/ROCK CLIMBING.

Technical mountaineering/rock climbing is a highly specialized activity requiring training and skill. Any outfitter applicant for this activity shall be required to appear before the Board to explain in full detail his qualifications, experience, plans, and areas of operation. (3-1-86)

062. TECHNICAL MOUNTAINEERING/ROCK CLIMBING -- EMERGENCY SUPPLIES.

All technical mountaineering/rock climbing tours shall have with them necessary emergency provisions, including a first aid kit. (5-1-95)

063. SNOWMOBILING.

All general Rules for outfitting and guiding shall apply to snowmobiling. In addition, the following general rules

apply: (3-1-86)

01. Non-Groomed Trails. All machines shall be accompanied by at least one (1) guide for one (1) through five (5) snowmachines, two (2) guides for six (6) through twelve (12) snowmachines, and one (1) additional guide for each additional ten (10) snowmachines. The maximum number of snowmachines allowed in one (1) group shall not exceed thirty (30). One (1) guide shall lead and one (1) trail where more than five (5) snowmachines are involved. (3-1-86)

02. Groomed Trails. All machines shall be accompanied by at least one (1) guide for one (1) through fifteen (15) snowmachines, and two (2) guides for sixteen (16) through a total of thirty (30) snowmachines. One (1) guide shall lead and one (1) trail where more than fifteen (15) machines are involved. The maximum number of snowmachines allowed in one group shall not exceed thirty (30). (3-1-86)

03. Emergency Equipment. All snowmobiling tours shall have with them necessary emergency equipment, a first aid kit, tools, and spare parts for the machine(s) in use. (5-1-95)

04. Reduction in Guide Ratios. Upon application to the Board by the outfitter, the Board may reduce the number of guides on non-groomed trails to one (1) guide for six (6) through twelve (12) snowmachines and the number of guides on groomed trails to one (1) guide for sixteen (16) through thirty (30) snowmachines, if the guide has electronic communication for summoning assistance at all times during the excursion. (3-10-03)

064. AUTHORIZATION FOR GRANTING, DENIAL AND REVOCATION OF LICENSES.

01. Executive Director Authorizations. The Executive Director is authorized to grant, deny, suspend, or revoke temporary authorizations, licenses and license amendments, with the concurrence of the Board, under the following conditions: (3-10-03)

a. The Executive Director may grant all routine license applications and amendments where the applicant does not have any convictions for fish and game violations, falsified or otherwise invalid first aid cards, or other convictions of violations enumerated in Section 36-2113(a), Idaho Code, and otherwise qualify for licensure. The Executive Director may issue a temporary authorization to an applicant pending final approval and issuance of a license. The Executive Director may not waive fees. (3-10-03)

b. The Executive Director may grant all license applications which otherwise qualify for licensure, but which have convictions of violations 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 any outfitter and guide law violation or conviction of a major fish and game violation. (3-30-01)

c. The Executive Director may grant a license with probationary status for conviction of minor fish and game violations. The Executive Director shall not grant a license to an applicant who has a conviction of a flagrant violation pursuant to Section. 36-2401(e), Idaho Code. (3-30-01)

d. The Executive Director may defer granting or denying any license to the Board for action by the Board. (3-30-01)

02. Board Conditions. The Board may grant or deny a license pursuant to the provisions of Sections 36-2109 and 36-2113, Idaho Code, under the following conditions: (3-30-01)

a. The Board may grant a license to an applicant with convictions of violations enumerated in Section 36-2113(a), Idaho Code, which are over five (5) years old and may or may not place the licensee on probation. (3-30-01)

b. The Board may grant a license to an applicant with convictions of violations enumerated in Section 36-2113(a), Idaho Code, which are less than five (5) years old and may or may not place the licensee on probation. (3-30-01)

c. The Board shall proceed with the denial of an applicant for a hunting or fishing outfitter or guide license or proceed with the revocation process on a licensee upon conviction of a flagrant violation pursuant to Section 36-1402(e), Idaho Code, unless unusual mitigating circumstances exist. (3-30-01)

065. LICENSE AMENDMENTS.

01. Procedure for Amendment to Outfitter License. An outfitter must procure an amendment to their license through the following procedure: (4-5-00)

a. The applicant requests an Amendment Request Form (OG9) from the Board. (4-5-00)

b. The applicant fills out and returns the completed Amendment Request Form to the Board along with an amended operating plan, financial statement, map (if applicable), land manager signoff sheets (if applicable), and the amendment fee as provided for in Section 009. (4-5-00)

c. The Board initiates a review and analysis of the application following which the applicant is informed that: (4-5-00)

i. Additional materials are needed to complete the application; or (4-5-00)

ii. The amendment request is granted; or (4-5-00)

iii. The amendment request is denied. (4-5-00)

02. Procedure for Amendment to Guide License. A guide must procure an amendment to their license through the following procedure: (4-5-00)

a. The guide or the outfitter must initiate the amendment request by contacting the Board. (4-5-00)

b. The outfitter for which all amendment requests are made must submit: (5-8-09)

i. A properly completed amendment form that provides certification that training requirements for the area and activity to be added have been met and proof of such training will be available at the Board's request. (5-8-09)

ii. The amendment fee as provided for in Section 015. (5-8-09)

c. The Board initiates a review and analysis of the application following which the applicant is informed that: (4-5-00)

i. Additional materials are needed to complete the application; or (4-5-00)

ii. The amendment request is granted; or (4-5-00)

iii. The amendment request is denied. (4-5-00)

066. (RESERVED).

067. INSPECTIONS.

Outfitter camps and equipment may be inspected at any time by an authorized person or any member of the Board with a written report submitted to the Board. Adequate equipment and gear must be utilized and must be maintained in a manner which meets minimum standards of public acceptability and which meets the requirements of applicable local, state, or federal laws. (3-1-86)

068. ADMINISTRATIVE FINES/PROBATION/RESTRICTIONS.

01. Penalties -- Table. In addition to suspension, probation, restriction or revocation of a license, the

following penalties may be applied to that licensee or those licensees found to have violated the provisions of Idaho Code Title 36, Chapter 21 or the Rules of the Board. Each numbered penalty set forth below corresponds to the numbered sub-paragraph for discipline set forth in Section 36-2113(a), Idaho Code, with such fine, suspension, probation, restriction or revocation of a license applicable to each numbered penalty.

I.C. Section 36-2113(a)	First Offense	Second Offense	Third Offense
1.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
2.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
3.	All Penalties Shall Be Within The Board's Discretion.		
4.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
5.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine
6.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
7.	Probation/Restriction of License	\$100 - \$500 Fine	\$500 - \$5,000 Fine
8.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
9.	\$100 - \$500 Fine	\$500 - \$5,000 Fine	Suspension or Revocation of License
10.	\$100 - \$500 Fine	\$500 - \$2,500 Fine	\$2,500 - \$5,000 Fine
11.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine
12.	\$100 - \$500 Fine	\$500 - \$2,500 Fine	\$2,500 - \$5,000 Fine
13.	All Penalties Shall Be Within The Board's Discretion.		
14.	\$100 - \$300 Fine	\$100 - \$500 Fine	\$500 - \$5,000 Fine

(3-30-01)

02. Restrictions. No license shall be issued while any outstanding administrative fine monies are due unless an arrangement has been made and approved by the Board for the payment of same. (10-15-88)

03. Terms of Probation. The standard or usual terms of probation are that there be no violations of local, state or federal laws or ordinances, and that no amendments to the license will be permitted during the term of probation. Probation may also include such other restrictions as the Board shall order. (3-23-98)

069. INSURANCE.
 An outfitter shall maintain and file with the Board a current certificate or proof of liability insurance. (9-1-90)

01. Insurance Coverage. Insurance coverage against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person, excluding employees, caused by the outfitter's operation, in the minimum amount of one hundred thousand (\$100,000) per accident, with the aggregate of three hundred thousand (\$300,000), because of bodily injury or death occurring in an accident. (9-1-90)

02. Vehicles. Insurance coverage on vehicles carrying passengers against loss resulting from liability for bodily injury or death or property damage suffered by any person caused by the outfitter's operation, in the amount of three hundred thousand (\$300,000) for vehicles carrying one (1) to fifteen (15) passengers, and in the minimum amount of five hundred thousand (\$500,000) for vehicles carrying sixteen (16) or more passengers. (9-1-90)

070. (RESERVED).

071. BOARD MEETINGS.

Board meeting dates shall be established for the conduct of regular Board business in accordance with the Idaho Open Meeting Law, Idaho Code 67-2340 through 67-2347. (3-30-07)

072. ELECTION OF BOARD OFFICERS.

01. General. At the regular Board meeting on the fourth Monday in June, or as soon thereafter as practicable, the Board shall elect from within its members, except for Board Secretary, the following officers: (12-30-93)

- a.** Chair of the Board; (12-30-93)
- b.** Vice-Chair of the Board, who shall serve as Chair in the absence of the Chair of the Board; (12-30-93)
- c.** Board Secretary -- the Executive Director shall serve in this office; (12-30-93)
- d.** Board Treasurer who shall serve as Chair in the absence of both the Chair and Vice-Chair of the Board. (12-30-93)

02. Election. Members shall be elected by an affirmative vote of a majority of Board members present. (12-30-93)

03. Successors. Officers shall hold their office until a successor is elected. (12-30-93)

04. Term. No person shall serve more than two (2) consecutive terms in the same office. (12-30-93)

04. Majority Vote. Election shall be by majority vote. (12-30-93)

05. Proxies. Proxies shall not be permitted. (12-30-93)

06. Effect. Terms shall take effect immediately upon election and shall last for a period of two (2) years. (12-30-93)

073. -- 999. (RESERVED).

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