

Federal Agency Training Webinar #1

Purpose:

To educate United States Forest Service (USFS) and Bureau of Land Management (BLM) administrators on the established procedures for the purpose of assisting outfitters and prospective applicant(s) with selling and buying an outfitter business and/or completing a major amendment involving the State of Idaho, Outfitters and Guides Licensing Board (IOGLB) license requirements.

What is an Idaho Outfitter?

- An “Outfitter” includes any individual, firm, partnership, corporation or other organization or any combination thereof who, while engaging in any of the acts enumerated herein in any manner: (1) advertises or otherwise holds himself out to the public for hire; (2) provides facilities and services for consideration; and (3) maintains, leases, or otherwise uses equipment or accommodations for compensation for the conduct of outdoor recreational activities. **An outfitter is a “business entity.”**
- A “Designated Agent” (DA) is an employee of any firm, partnership, corporation or other organization or combination operating as an outfitter who shall, together with the licensed outfitter business, be held responsible for the conduct of the licensed outfitter’s operations.
- A "Guide" is any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter business is licensed.

How is an Idaho Outfitter Unique

Idaho outfitters are assigned specific operating areas by IOGLB where they must limit their operation. Often these areas are unique to a specific outfitter. Outfitters are also licensed by IOGLB to provide specific hunting, boating or recreation activities in their assigned operating areas.

To operate as an outfitter in Idaho, any individual or organization must hold a state license issued by IOGLB & a current permit issued by the appropriate state or federal agency or land owner.

The Role of IOGLB

- IOGLB is the Idaho State Agency administratively responsible for regulating the outfitting and guiding industry with the explicit purpose of safeguarding the health, safety, and welfare of the public and assisting with conservation efforts to preserve the state's fish, wildlife, and natural resources.
- IOGLB recognizes the BLM and USFS as the land management agencies responsible for administration, management, and use of federal land according to applicable laws, regulations, policy and management direction.

The Role of the BLM / USFS

- The BLM/USFS have a responsibility to provide a variety of public recreation opportunities on Federal lands in the State of Idaho. The Forest Service and BLM permit commercial outfitters to assist them in providing opportunities to visitors who choose to recreate with an outfitter.
- The BLM/USFS recognize IOGLB as the Idaho state agency responsible for the administration of the Idaho Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code) and the Rules promulgated under that Act. This recognition includes acknowledgment of state of Idaho designation, limitations and exceptions of commercial outfitting and guiding opportunities identified in the aforementioned act and rules and recognition of reciprocity agreements with other states when applicable.

Note:

An MOU exists to provide procedures and guidance for coordination between IOGLB, the BLM and USFS on matters involving the administration & operation of outfitters on federal land.

This webinar attempts to provide a simplified explanation of processes outlined in this MOU with reference to various manuals and forms.

The MOU, manuals and forms are available at www.oglb.idaho.gov

Note:

State and Federal Permit Administrators, Recreation Managers, District Rangers, Field Office Managers and etc., are referred to as “Land Mangers” in this Webinar.

Note:

- It is required through the MOU for permitting processes with the BLM/USFS and licensing processes handled by IOGLB to be coordinated with permits and licenses issued in close conjunction.
- It is not unusual for there to be more than one federal agency or BLM Field office or USFS Ranger District involved. It is permissible for one Land Manager to take the lead.

Exhibits in the MOU

- #1 - When a sale is involved, and there has been no break in the continuity of the permit or license, or agency analysis indicates continued outfitted operations are appropriate.
- #2 - When a new outfitting business opportunity on federal land is proposed by an individual.
- #3 - When an Agency or IOGLB identifies a new outfitting opportunity where no similar commercial activity have been conducted in the past.
- #4 - When an existing outfitter, agency, or IOGLB requests an amendment for a change in licensed operating area, licensed or permitted activities, business operations, or a redistribution of operating area (i.e. boundary adjustment).

Exhibit #4 also applies to incidental amendments (special authorizations) and onetime controlled hunts.

- This training pertains to Exhibits #1 and #4 only -

Step # 1

- When either the IOGLB, BLM or USFS is contacted by parties transacting a sale or purchase of an existing outfitter business or portion of a business or is pursuing a major amendment to an existing business, IOGLB or the land manager will direct the interested parties to submit an OG -21 Letter of Intent Form to IOGLB.
- Occasionally outfitters by-pass this process and contact the permit administrator first.

Note:

- Only the individual licensed as a sole proprietor outfitter or the licensed DA of a licensed outfitter can initiate the sale of the outfitter business or amend the outfitter's license.
- In the event of the death of an outfitter operating as a sole proprietor or involved in a partnership, the heir(s) must submit a major amendment or a new application, depending on the circumstances. The circumstances will be reviewed by the Executive Director & brought before the Board as necessary. Heir(s) are typically given priority consideration for the license or some latitude in selling the business.

Step # 2

- The OG-21 – Letter of Intent form is used by the an existing outfitter to communicate their intentions to IOGLB regarding a sale of their business or an amendment to their license.
- The OG-21 – Letter of Intent form enables IOGLB to provide guidance early in the process to buyers, sellers, applicants and agency land managers.
- IOGLB will not accept an application from the seller or buyer or an amendment application as this point.

Note:

The following are examples of what must be clarified by the outfitter in the OG-21 Letter of Intent form

- A partial sale of an outfitters business requires a new outfitter license application from the buyer but also an application from the seller allowing them to amend from their outfitter license for what is sold from their business.
- A partial sale could also be between two existing outfitters requiring both to amend their licenses.
- A complete sale requires the selling outfitter to relinquish any interest in the license.

Step # 3

- IOGLB will acknowledge receipt of the OG -21 Letter of Intent form by providing individual letters with a check list to the seller, and to the buyer summarizing the “B” set documents that must be provided and will provide other direction as needed.
- A copy of the OG -21 Letter of Intent form and the letter(s) are provided to the Land Managers listed on the OG -21 Letter of Intent form.

Note:

Outfitters are required to submit to the Land Managers what is known as the “B” document set:

- OG-6 - Land Manager’s Statement
- OG-7 - Operating Plan Master
- OG-7.1 - Supplemental Operating Plan Land or Boating as applicable
- Sales Agreement (if applicable)
- A location map for each licensed area
- Written Operating Area Description for each licensed area.
- Operating Area Boundary Map for each licensed area.
- The IOGLB forms can be found on the IOGLB website at www.oglb.idaho.gov
- Please see webinar #2 which provides training for the use of the OG-6 land manager statement form.

Step # 4

After receiving the OG -21 Letter of Intent form , individual letters, and the rest of the “B” document set submitted to them by the buyer or seller. The permit administrators are most familiar with the resource being utilized by the outfitter, so if there are considerations the land manager(s) have they are encouraged to discuss with IOGLB any concerns related to the intended action.

Step # 5

An outfitter may initially complete an OG-6 - Land Managers Statement. However, it is the Land Manager's responsibility to see that it is completed and submitted properly.

- IOGLB is interested in:
 - Historical accuracy of area boundaries and license activities.
 - Any resource concerns that must be considered.

Please see the Webinar #2 which is used to help educate BLM and USFS Land Managers on the use of a State of Idaho OG - 6 Land Manager Statement Form.

Step #6

- Land Manager will determine the selected level of environmental analysis. The Land Manager indicates on the OG-6 Land Manager Statement form that the proposal requires further research or analysis, or that a permit will not be issued.
- Scoping information and the selected level of analysis are shared with IOGLB. This would include comments from the public, Idaho Department of Fish and Game and existing Outfitters and internal concerns, if any

Step # 7

- The Land Manager forwards the completed OG-6 & the rest of “B” document set(s) to IOGLB for both the seller and the buyer as necessary.
- The OG-6 - Land Managers Statement is the form used by all land managers to communicate their expectations and intentions with the IOGLB. By doing so, it creates the paper trail needed by the IOGLB to execute the license process.

Note:

- If there is any discrepancy between the worded area description and maps, the Land Manager will also provide a corrected version of the worded area description and map to IOGLB.
- If the analysis determines the proposed activity will not be authorized, the Land Manager will offer to meet with the IOGLB to discuss the basis for the decision. The applicant(s) making the proposal will be formally notified by the IOGLB regarding the decision.
- If the analysis determines the proposed activity will be authorized, the Land Manager notifies IOGLB and the license and permit process moves forward.

Step #8

IOGLB's Executive Director will review the completed OG-6 & "B" document set(s) and will notify the seller, buyer and the Land Manager of his decision with the use of an OG-22 Letter of Intended Action form.

Note:

Options available to the IOGLB Executive Director on the OG-22:

- The application is approved.
 - A license will be issued
 - This serves as a temporary authorization letter
- The application will be placed on the Board's consent agenda with an approval recommendation at their next meeting.
- The application is deferred to the Board and will be scheduled to be reviewed by the Board on (date).
- The application is denied.
 - *An applicant aggrieved by a denial of his application shall have twenty-one (21) days from the day of receiving such notice of denial in which to submit a written request for a hearing before the Board to review such action. Upon receipt of such request, the Board shall hold a hearing as provided in chapter 52, title 67, Idaho Code. The request for appeal should state why you believe the Board should hear it.*
- Additional information is needed to process the application
 - This information must be submitted to IOGLB by (date)
- This application has been incomplete for ____ days and must be resubmitted.
- A special processing fee is required

Step #9

The OG-22 Letter of Intended Action form is the final document.

- Once all required application documents from the buyer and seller are on file, IOGLB will have operating area descriptions and maps entered into State Outfitter Mapping system.
- IOGLB will issue an outfitter license to the buyer and to the seller when applicable.
- The Federal Agency permits can be issued.
- The process is complete and the licensee(s) can then operate once the permit and license is issued.