

IDAHO OUTFITTERS AND GUIDES BOARD

Boise, Idaho

January 19, 1972

PUBLIC HEARING FOR ADOPTION OF RULES AND REGULATIONS

This hearing shall come to order.

Let the record show that it is January 19, 1972 and the time is 1:45.

"PLEASE TAKE NOTICE that the Idaho Outfitters and Guides Board, pursuant to Section 67-5203, Idaho Code, intends to adopt the rules hereinafter set forth as emergency rules at a hearing held for that purpose at 1:30 p.m. on January 19, 1972, at the Outfitters and Guides Board, 1530 Idaho Street, Boise, Idaho, or in such other room of said building as may be designated by posting a notice at the Outfitters and Guides Board office on such date.

"PLEASE TAKE FURTHER NOTICE that the Idaho Outfitters and Guides Board, pursuant to Section 67-5203, Idaho Code, intends to adopt the rules hereinafter set forth as permanent rules at a meeting held for that purpose at 1:30 p.m. on January 19, 1972, at the Outfitters and Guides office, 1530 Idaho Street, Boise, Idaho, or in such other room of said building as may be designated by posting a notice at the Outfitters and Guides office. All interested persons may submit written data, views or arguments by submission of such on or before January 19, 1972, by mailing such data, views or arguments to the Idaho Outfitters and Guides Board at said address. Opportunity for oral hearing will be granted upon meeting the requirements of Section 67-5203(2), Idaho Code."

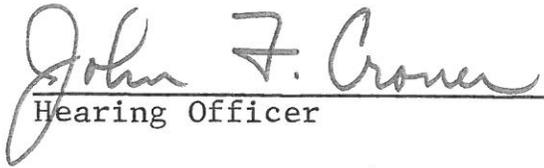
The aforeread was the notice which was posted in and returned by The Idaho Daily Statesman newspaper after having been published for the statutory amount of time.

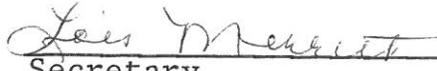
If there are no objections, the reading of the rules in their entirety will not be done at this time. Do I hear any objections? Hearing none, the reading of the rules will be dispensed with.

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Public Hearing for Adoption of Rules and Regulations Con't.

Let the record show that there were no individuals who submitted any written testimony nor any individuals who arrived at the hearing to deliver oral testimony. Hearing no testimony and not being confronted by anyone wishing to give the same, I hereby close this hearing.


Hearing Officer


Secretary

NOTICE OF INTENDED ADOPTION OF RULES AND REGULATIONS BY THE IDAHO OUTFITTER'S AND GUIDE'S BOARD

Please take notice that the Idaho Outfitter's and Guide's Board, pursuant to Section 67-5203, Idaho Code, intends to adopt the rules hereinafter set forth, as emergency rules, at a hearing held for that purpose at 1:30 P.M. on January 19, 1972, at the Outfitter's and Guide's Board, 1530 Idaho Street, Boise, Idaho, or in such other room of said building as may be designated by posting of notice at the Outfitter's and Guide's Board Office on such date.

Please take further notice that the Idaho Outfitter's and Guide's Board, pursuant to Section 67-5203, Idaho Code, intends to adopt the rules hereinafter set forth, as permanent rules, at a meeting held for that purpose at 1:30 P.M. on January 19, 1972, at the Outfitter's and Guide's Office, 1530 Idaho Street, Boise, Idaho, or in such other room of said building as may be designated by posting of notice at the Outfitter's and Guide's Office.

All interested persons may submit written data, views or arguments, by submission of such on or before January 19, 1972, by mailing such data, views, or arguments to the Idaho Outfitter's and Guide's Board at said address. Opportunity for oral hearing will be granted upon meeting the requirements of Section 67-5203 (2), Idaho Code.

STATE OF IDAHO OUTFITTERS AND GUIDES BOARD

The following Rules and Regulations have been adopted by the Idaho Outfitters and Guides Board pursuant to Idaho Code, Chapter 36-5407.

1. The Idaho Outfitters and Guides Act applies to all those who provide facilities, equipment or services for the conduct of hunting, fishing, or other recreational excursions, for compensation, whether the compensation is in the form of cash, goods, or services.

2. A license must be secured before commencing outfitting or guiding; the submission of an application for license does not fulfill this requirement.

3. A license must be carried by the licensee while engaged in outfitting or guiding and produced upon the request of an authorized person. Failure to do so may subject the person to arrest. If a license is lost or destroyed, a replacement may be secured for a nominal fee.

4. Authorized persons are investigators in the employ of the Outfitters and Guides board, conservation officers of the Idaho Fish and Game Department, and any state or local law enforcement officer.

5. An applicant for an outfitter and/or guide license must:

a. Be a citizen of the United States.

b. Be at least 18 years of age.

c. Be a resident of the state of Idaho unless the requirement is waived as provided in 36-5407c(3). Proof of residency may be required.

d. Possess knowledge of first aid and survival techniques.

e. Be familiar with the area when hunting big game, know the habits of 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 firearms laws.

f. Be financially responsible with sufficient capital to finance the type of operation proposed and present a financial statement upon request. Present a proposed plan of operation showing livestock, equipment, camp locations, personnel, or anything necessary to assure adequate services for the public for the specified activities; and appear before the board upon request when the board feels additional information is required to evaluate the qualifications of the applicant. (Outfitters only)

6. A license for big game outfitting, and a big game hunting area, 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.

7. 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 Idaho Outfitters and Guides Act.

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8. An incomplete application will be denied by the board. If it is completed within 30 days after notice of denial is received by the applicant, the board will again review the application and either accept or reject it.

9. To complete an application must:

a. Be accompanied by a fully executed bond on a form provided

by the board. (Outfitters Only)
b. Include the appropriate fee in the form of a certified check, cashier's check, or money order, and, when an outfitter applies for a license after the start of the license year, it must include the late filing fee.

c. Have every section answered in detail unless it does not apply to the type of license applied for.

d. Have the signature of the applicant. It must be signed under oath or affirmation and notarized when the application is for an outfitter license.

e. Have the signature of a licensed outfitter who has employed the applicant as a guide. A license shall not be issued to a guide until the employing outfitter's license for the same period has been issued.

f. Include a detailed map showing the big game hunting area requested and a worded description of the boundaries of said area, described in terms of rivers, creeks, ridges etc. when the application is for a new outfitter license for big game hunting.

g. Section f, above, also applies when a licensed outfitter requests a change in area of operation for big game hunting.

h. Show the location of proposed camps, whether on private or public land.

i. When the applicant has not been licensed within the previous 5 years, include as references the names and addresses of 5 people, not related, who have known the applicant for at least 5 years, 3 of whom have knowledge of the applicant's qualifications to act as an outfitter and/or guide; 2 should be character references; or when the application is for an outfitter license, they should be bank or credit references.

j. From each outfitter, include a report of the previous season's activities on the form furnished by the board.

k. When the applicant for an outfitter license is a corporation, firm, partnership or other organization or combination thereof, a supplemental form shall be completed, giving names and addresses of officers and other pertinent information which may be required. It shall designate a managing agent who is a qualified outfitter to be responsible for the outfitting business. The managing agent must obtain an outfitter license. The business and the managing agent may each submit a bond, or one bond naming the business and the managing agent as principal will fulfill the bonding requirement for both. A foreign corporation must qualify to do business in Idaho with the office of the secretary of state.

10. Outfitter licenses may be issued for one or more of the following activities: hunting big game, bear, cougar, predators, or birds; fishing and/or boating (unclassified streams); trailrides; back-packing; float boating; power boating; other specified recreational activity. An outfitter may not guide for activities listed on his outfitter license unless his qualifications to guide are approved by the board and indicated on the license. An outfitter must obtain a guide license to guide for activities not listed on his outfitter license. All licenses for power or float boating shall be considered to include the activity fishing.

11. A guide shall engage in only the activities specified on his license. He may not guide for activities for which his outfitter employer is not licensed. When guiding for big game hunting, he must remain within the area licensed to his outfitter.

12. When a guide's employment with an outfitter is terminated during the season, the board shall be notified; if he is employed by another outfitter, the board shall be notified by the new employer.

13. A license is not transferable; the purchase of outfitting equipment from a licensed big game outfitter does not require the board to transfer the big game hunting area of the licensee to the purchaser nor to issue to him either an outfitter or a guide license. An application from a prospective purchaser of the equipment will be given due consid-

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14. An outfitter will maintain a neat, orderly and sanitary camp at all times. Minimum acceptable sanitary standards must be maintained to provide clean, fresh drinking water, protection from contamination for all foods, and disposition of garbage, debris, and human waste. Livestock facilities must be separated from camp facilities.

15. Camps and equipment may be inspected at any time by any member of the board or its representatives and a written report submitted to the board. Adequate equipment and gear shall be maintained in good condition. Every camp shall have a first aid kit.

16. An outfitter may not place a big game hunting camp, or cause one to be placed, in an area for which he is not licensed, and the board further recommends that camps be placed well within the li-

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censed area and not on the boundary line.

17. All licensees must comply with all 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 allow their violation.

18. 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.

19. A new applicant who has been convicted of a fish and game law violation within five (5) years may be required to appear before the board. Each such conviction will be individually appraised and a decision to approve or deny the application will be based upon the nature and the circumstances of the violation.

20. When a license holder is convicted of a fish and game law violation, the board will examine the nature of the violation and the circumstances before determining that a formal hearing shall be held for the purpose of suspending or revoking the outfitter or guide license of the violator. Any such violator must appear before the board before a license will be issued for the following year.

21. The board shall not be required to license for commercial big game outfitting an area which is easily accessible by road and is heavily hunted by the general public.

22. While boating on any stream or lake should be considered dangerous, for the purpose of these rules and regulations certain whitewater streams have been designated "classified". An applicant will be licensed to guide on only those "classified" rivers on which he has had experience, which meets the minimum requirement as determined by the board. These "classified" rivers are:

1. Middle Fork of the Salmon River.
2. Main Salmon River from the mouth of the Middle Fork to the mouth of French Creek.
3. Snake River from the mouth of the Salmon River to Hell's Canyon Dam.
4. Clearwater River.
5. Selway River.
6. Bruneau River.

Rivers which are not classified will not be specified by name on a license and the holder of a boating license or a fishing and/or boating license may guide on any unclassified stream.

23. Float and power boats are required to have one U.S. Coast Guard approved life jacket for each passenger and each boat must have an extra oar, paddle, sweep, or pike pole. Each power boat must have a fire extinguisher.

24. Every boat, including provision or baggage boats, shall be operated by a licensed guide.

25. To qualify for a float boat guide license on the classified rivers, a new applicant must have had a minimum of 3 trips of at least 3 day's duration on each of the rivers he wishes to float, under the direct supervision of a boatman licensed for the specific rivers. A detailed report of this experience must be submitted with the application, showing dates, locations of trips, and the names and addresses of the licensed training supervisors.

26. To qualify for a power boat guide license on the classified rivers, a new applicant shall have spent 50 boating hours on the particular rivers on which he intends to operate, under the direct supervision of a power boatman licensed for the specific rivers. A detailed report of this experience must be submitted with the application, showing dates, locations of trips, and the names and addresses of the licensed training supervisors.

27. An applicant for a boat outfitter license must have the same experience as above to qualify to operate a float or power boat.

28. Boat outfitters shall take not more than thirty (30) people, including boatmen, on any one trip on the Middle Fork of the Salmon River.

29. Any person who takes parties

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out in a boat and shows them how, where, or when to fish shall be required to have an outfitter license unless he is in the employ of a licensed outfitter, in which case he shall be required to have a guide license.

30. A person holding a boatman's license shall 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.

31. When, in the opinion of the board, the licensing of additional commercial boat outfitters on the rivers of Idaho would overtax the capacity of campsites and sanitary facilities, endanger the health, welfare, and safety of the commercial passengers and of the general public using these rivers, and contribute to the deterioration of environmental and ecological qualities of these rivers and the surrounding areas, no new boat outfitter licenses shall be issued.

Pub: Dec. 27, 1971

RECEIVED

JAN - 2 1972

STATE OF IDAHO)
Outfitters & Guides Board

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Georgene Davis, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman

for one insertion, in the issue of _____
December 27, 19 71.

Georgene Davis, Principal Clerk
Subscribed and sworn to before me this 30th

day of December, 19 71.

Jana A. Young
Notary Public for Idaho, Residing at Boise, Idaho