

<b>OUTFITTERS &amp; GUIDES LICENSING BOARD</b>	<b>POLICY NUMBER:</b> 2003	<b>PAGE NUMBER:</b> 1 of 4
	<b>SUBJECT:</b> Setting Territorial Limits on Outfitter's License	Drafted: 3/17/15 Revised: 5/11/15 Adopted: 6/18/15 Reformatted: 10/26/15

The purpose of the Board as explained in IDAPA 25.01.01.001) is to:

- "To establish criteria, guidelines, and policies for the implementation, administration, and enforcement of the Act." (IC 36-2101-2119.)
- "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."
- "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."

Based on IC 36-2109 when granting a license the Board specifically determines what constitutes the "territorial limits" of an outfitter's area of operation and the activities included. This code section further clarifies the statutory intent and provides guidance.

Based on IC -36-2110 the Board "sets limits for each license" and "may adjust the territorial scope of operations of any outfitter" and outlines when doing so is appropriate. Logically, this would include when a partial sale results in a change of operations or when it creates another business.

In order to do this, the Board has established the following rules:

25.01.01.004, 007, 015, 022 and 028.

Rule 015.05.b is instructive. It provides "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."

Additionally, the Board has established the following policies:

- "An outfitter holding multiple licenses for the same operating area, river segment, lake or reservoir, must pay license fees for each license and provide use information for each license. Bonding information and insurance can encompass multiple companies provided all business names are listed." (December 2003, also rule 015.05.b)
- "Activities and operating areas cannot be sold, only outfitter businesses. "A new outfitter can only be licensed as the result of a sale of business, the result of a new opportunity stemming from a vacated, relinquished or revoked license, as the result of the Board realigning operating areas or the Board initiating a prospectus in a currently unlicensed

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area." (August 2004) (licenses cannot be transferred rule 028)

Subsequently, the Board has further established the following policies to provide clarification when an existing licensed Outfitter must maintain separate outfitter licenses:

- Two existing outfitters merging their existing businesses will be required to maintain separate licenses.
- A land based outfitter purchases or a prospectus is awarded and the new operating area is not adjoining the outfitter's existing land based area(s).
- A water based outfitter purchases or a prospectus is awarded and the new river section/reservoirs/lake is not adjoining the outfitter's existing river/water based section(s).
- A prospectus or a complete sale of an existing standalone business which is not adjoining the purchasing outfitter's existing area(s).
- A land based outfitter is granted a license for a water based outfitter operation.
- A water based outfitter is granted a license for a land based outfitter operation.
- The business being sold involves allocated big game tags.
- A water based outfitter purchases, or is awarded a prospectus, or is otherwise granted a license for a section of river section/reservoirs/lake (as identified in IDAPA 25.01.01.021.059) in a separate system as summarized below:
  - Boise River, South Fork (BO1)
  - Boise River, South Fork (BO2)
  - Clark Fork / Priest River System (CF1) (PO1) (PR1) Lake Pend Oreille, Priest Lake
  - Clearwater River System (CL1) (CL2) (CL3) (NFCL) (LCL1) (LO1), SE1, SE2 & Dworshak Reservoir
  - Coeur d' Alene River System (CD1) (CD2) (CD3) (CDNF) & Lake Coeur d' Alene, Hayden Lake
  - Jarbidge/Bruneu & Owyhee Rivers (JB1) (OW1)
  - Kootenai & Moyie River System (KO1) (MO1)
  - Payette River System (PN1) (PN1A) (PN2) (PS1) (PS2) (PA1)
  - Salmon River System (SA1) (SA2) (SA3) (SA4A) (SA4B) (SA5) (SA6) (SA7A) (SA7B) (SA7C) (SA8) (SA1) (MF1) (MF2)
  - Snake River Upper System (SH1) (SH2) (SH3) (SS1) (SN1) (SN2) (SN3), Blackfoot River

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(BL1), (TE-1) (TE-2) (TE-3) & Henry's Lake, Island Park, Palisades and American Falls Reservoirs

- Snake River Middle System (SN4) (SN5) (SN6) (SN7) (SN8) (SN9) (SN10) (SN11), & C J Strike & Magic Reservoirs
- Snake River Lower System (SN12) (SN13) (SN14) (SN15)
- St. Joe & St. Maries River System (SJ1) (SJ2) (SJ3) (SJ4) SM1)
- Brownlee, Oxbow and Hells Canyon Reservoirs

- Sales involving existing outfitter overlaps of land based activities must be addressed by the Board following the receipt of an OG-21 form and prior to the issuance of a license using the procedures outlined in IDAPA 25.01.01.026.

#### Partial sales (operating areas)

- A partial sale (operating areas) to a currently licensed land based outfitter would not constitute an additional license when the sale will enhance an adjoining area previously licensed to them and will not detract from the selling outfitter's business as determined by the following requirements in IDAPA 25.01.01.026.
  - To address game harvest or resource related issues
  - To address safety issues
  - To address territorial conflict
  - To improve access
  - Recreational activities, with the exception of back country skiing, rock or ice climbing, or snowmobiling, are the only activity associated with the business.
- Partial sales (operating areas) to a previously unlicensed individual, partnership or LLC or corporation are allowed and would require licensure when the selling outfitter can demonstrate the area being sold can constitute a viable standalone business, which would include showing clearly demonstrated client use in the selling area and there are hard assets included. (IDAPA 25.01.01.024.)

#### Grandfathered Licenses –

All licenses issued prior to the March 2015 Board meeting will be grandfathered as licensed unless otherwise determined by the Board.

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