

OUTFITTERS & GUIDES LICENSING BOARD POLICY MANUAL	POLICY NUMBER: 2009	PAGE NUMBER: 1 of 6
	SUBJECT: Licensing Hazardous Excursions	Drafted: Adopted: 3/19/2011 Revised: Reformatted: 10/26/15

POLICY OF THE AGENCY

It is the policy of the Board to balance its statutory responsibility and its administration of Idaho outfitter and guide licensing with maintaining an efficient and effective licensing and regulatory processes that are reasonable and fair; that makes sense to general public as a whole; and that is not overly burdensome to partnering agencies or private enterprise.

GENERAL INTENT

Because strict interpretation of the definition Hazardous Excursion referenced in Idaho Code 36-2102 (b) and defined in IDAPA 25.01.01.002.20 can be inclusive; and because not all types of recreational activities possibly provided by commercial entities, can be listed in statute or rule, the Board must be adaptable and use common sense to determine which activities are truly hazardous and which put the public’s health, safety and welfare at risk as provided in Idaho Code 36-2101 through 36-2119.

The intent of this policy is to provide direction to IOGLB staff as they respond to interested parties in their effort to meet these requirements.

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N/A

DEFINITIONS & REFERENCES

IC 36-2102. (a) "Person" includes any individual, firm, partnership, corporation or other organization or any combination thereof. (b) "Outfitter" includes any person 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 limited to the following: hunting animals or birds; float or power boating on Idaho rivers and streams; fishing on Idaho lakes, reservoirs, rivers and streams; and hazardous desert or mountain excursions....

IDAPA 25.01.01.002.20. Hazardous Excursions. Outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment that may constitute a potential danger to the health, safety, or welfare of participants involved. These activities shall include, but are not limited to: day or overnight trail rides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, guiding courses, rescue courses, fishing courses, motored and non-motored cycling, wagon rides, sleigh rides, and dog sled rides.

IDAPA 25.01.01.002.10. 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.

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IDAPA 25.01.01.002.29. 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 landmasses of impressive size and height.*

REFERENCES

N/A

PROCEDURE

1. General Considerations:

- a. Exemptions listed under IC 36-2102 (c) and 36-2103 apply.
- b. The definition of “Desert” or “Mountainous” have proven to be confusing in that all of Idaho would be included in one or the other; consequently, determining whether the outfitted or guided activities are conducted outside municipal limits takes precedence.
- c. All hunting and fishing activities no matter where they are provided and all boating activities on rivers and streams require a license except on lakes and reservoirs only fishing from a boat requires licensure. Outfitted or guided activities falling under the definition hazardous excursion conducted outside municipal limits fall under the jurisdiction of the Board.
- d. All other activities listed as hazardous excursions other than those listed below require licensure. The Board will consider requests for clarification or exemption on a case by case basis. Requests must be submitted to the Board by the Executive Director.

2. Survival, Rescue and Guiding Classes, Schools and Courses:

- a. All survival, rescue and guiding classes, schools and courses are considered hazardous with the exception of those provided in a classroom setting or on developed private land that is relatively flat (less than 5% grade) with well-defined and developed physical boundaries; where obstacles are infrequent and insubstantial, where vegetation is cleared from use areas with no access to lakes, reservoirs, rivers or streams.
- b. All survival, rescue and guiding classes, schools and courses conducted on a lake, pond, reservoir, river or stream require licensure.

3. Fishing Classes, Schools and Courses:

- a. All fishing classes, schools and courses are considered hazardous with the exception of those provided in a classroom setting or provided on privately developed and maintained bodies of water of less than one acre in size or 5ft in depth or any developed “swimming” type pools.

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4. Bicycling or Equestrian Activities:

- a. All bicycling or equestrian activities provided within enclosed arenas, corrals, tracks, stadiums and etc. are not considered trail rides and are exempt from licensure.
- b. All bicycling and equestrian rides and tours provided on Class 4 and 5 trails (See pages 4 & 5) and Class 4 and 5 roads (See page 6) are considered non-hazardous and are exempt from licensure.
- c. All other equestrian rides are considered trail rides and considered hazardous and require licensure.

5. Non-Motorized Wagon, Sled (including dog sled) and Sleigh Rides:

- a. Board has determined that non-motorized wagon, sled and sleigh rides provided on Class 4 and 5 trails (See pages 4 & 5) and Class 3, 4 and 5 roads (See page 6) are considered non-hazardous and are exempt.

6. Alpine, Various Forms of Nordic/Telemark Skiing, Snowshoeing and etc.:

- a. Alpine and various forms of Nordic/Telemark skiing activities occurring within developed resorts with specified, supervised ski runs are considered as being non-hazardous and not requiring licensure.
- b. All other Alpine, various forms of Nordic/Telemark skiing and snowshoeing activities; all ski touring and etc., addressed in IDAPA 25.01.01.044 are considered hazardous and require licensure.

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Attachment A – IOGLB Trail Class Matrix					
	Class 1 Trail Minimally Developed	Class 2 Trail Moderately Developed	Class 3 Trail Developed	Class 4 Trail Highly Developed	Class 5 Trail Fully Developed
General	<ul style="list-style-type: none"> Trail Class 1 includes the least developed and most challenging trails. Trails in this category are typically very rugged and steep, with little or no defined tread or clearing and many or continuous obstacles. 				<ul style="list-style-type: none"> Trail Class 5 includes the most highly developed and least challenging trails. Trails in this category are typically wide, paved, and heavily used and are fully accessible.
Tread & Traffic Flow	<ul style="list-style-type: none"> Tread intermittent and often indistinct. May require route finding. Single lane, with no allowances constructed for passing. Predominantly native materials. 	<ul style="list-style-type: none"> Tread continuous and discernible, but narrow and rough. Single lane, with minor allowances constructed for passing. Typically native materials 	<ul style="list-style-type: none"> Tread continuous and obvious. Single lane, with occasional allowances for passing Traffic volume low. Native or imported materials. 	<ul style="list-style-type: none"> Tread relatively smooth, with few irregularities. Single lane, with allowances constructed for passing where required by traffic volume in places where there is no reasonable opportunity to pass. Typical imported materials. Occasionally may be hardened. 	<ul style="list-style-type: none"> Tread wide, firm, stable, and generally uniform. Double lane where traffic volume is high and passing is frequent. Single lane, with frequent turnouts where traffic volume is moderate to high. Hardened with asphalt or other imported material.
Obstacles & Threats	<ul style="list-style-type: none"> Obstacles common, naturally occurring, often substantial, and intended to provide increased challenge. Narrow passages; brush, steep grades, rocks and logs present. Adjoining rapidly flowing waterways with no separation or barrier. Close proximity to cliffs or drop offs. 	<ul style="list-style-type: none"> Obstacles may be common, substantial, and providing increased challenge. Blockages cleared to define route and protect resources. Often steep Physical separation from cliffs or drop offs. Vegetation may encroach into trailway. 	<ul style="list-style-type: none"> Obstacles may be common, but not substantial and providing minimal challenge. Vegetation cleared outside of trailway. Occasional steep inclines Cliffs or drop offs not a concern. Adjoining river, stream or lake with physical separation less than 20 ft or no barrier. 	<ul style="list-style-type: none"> Obstacles infrequent and insubstantial. Vegetation cleared outside of trailway. Grades less than 8%. Adjoining river, stream or lake with physical separation of 20 ft or more or a barrier. 	<ul style="list-style-type: none"> Obstacles not present. Grades less than 5%. Waterways not of concern.

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IOGLB Trail Class Matrix - continued					
	Class 1 Trail Minimally Developed	Class 2 Trail Moderately Developed	Class 3 Trail Developed	Class 4 Trail Highly Developed	Class 5 Trail Fully Developed
Constructed Features & Trail Elements	<ul style="list-style-type: none"> ◆ Structures minimal to non-existent. ◆ Drainage natural without structures. ◆ Natural fords. Typically no bridges. 	<ul style="list-style-type: none"> ◆ Structures of limited size, scale, and quantity; typically construction of native materials. ◆ Natural fords. ◆ Drainage typically provided without structures. ◆ Structures adequate to protect trail infrastructure and resources. <p>Bridges as needed for</p>	<ul style="list-style-type: none"> ◆ Structures may be occasional with construction of imported or native materials. ◆ Natural or occasional constructed fords. ◆ Drainage managed with occasional structures. <p>Bridges occasional as needed for resource protection and appropriate access.</p>	<ul style="list-style-type: none"> ◆ Structures frequent and substantial; typically construction of imported materials. ◆ Constructed fords. ◆ Bridges as needed for resource protection and user convenience. ◆ Drainage structures typical. <p>Trailside amenities may be present.</p>	<ul style="list-style-type: none"> ◆ Structures frequent or continuous; typically constructed of imported materials. ◆ Includes bridges, boardwalks, curbs, handrails, trailside amenities, and similar features.
Signs	<ul style="list-style-type: none"> ◆ Route identification signing infrequent. ◆ Route markers present when trail location is not evident. ◆ Regulatory and resource protection signing infrequent. ◆ Destination signing not present. ◆ Information and interpretive signing not present. 	<ul style="list-style-type: none"> ◆ Route identification signing limited to junctions. ◆ Route markers present when trail location is not evident. ◆ Regulatory and resource protection signing infrequent. ◆ Destination signing typically infrequent. ◆ Information and interpretive signing uncommon. 	<ul style="list-style-type: none"> ◆ Route identification signing at junctions and as needed for user reassurance. ◆ Route markers as needed for user reassurance. ◆ Occasional regulatory and resource protection signage. ◆ Occasional destination signage. ◆ Information and interpretive signing present. 	<ul style="list-style-type: none"> ◆ Route identification signing at junctions and as needed for user reassurance. ◆ Route markers as needed for user reassurance. ◆ Regulatory and resource protection signing common. ◆ Destination signing is common. ◆ Information and interpretive signs may be common. 	<ul style="list-style-type: none"> ◆ Route identification signing at junctions and for user reassurance. ◆ Route markers as needed for user reassurance. ◆ Regulatory and resource protection signing frequent. ◆ Destination signing frequent. ◆ Information and interpretive signs frequent.
Typical Recreation Environment & Experience	<ul style="list-style-type: none"> ◆ Natural and unmodified. ◆ Typically Primitive ◆ Very remote areas or wilderness areas. 	<ul style="list-style-type: none"> ◆ Natural and essentially unmodified. ◆ Primitive to Semi-Primitive. ◆ Very remote areas or wilderness areas. 	<ul style="list-style-type: none"> ◆ Natural and primarily unmodified. ◆ Semi-Primitive, Natural. ◆ Rural to remote areas. 	<ul style="list-style-type: none"> ◆ Some modification. ◆ Natural to developed rural. Typically Portal or Transitional. ◆ Not present in Wilderness areas. 	<ul style="list-style-type: none"> ◆ May be highly modified. ◆ Commonly associated with visitor centers or high-use recreation sites. ◆ Natural Rural to Urban. ◆ Typical example would be greenbelt / bicycle - pedestrian corridors.

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IOGLB Road Class Matrix					
	Class 1 Road Minimally Developed	Class 2 Road Moderately Developed	Class 3 Road Developed	Class 4 Road Highly Developed	Class 5 Road Fully Developed
Typical Recreation Environment & Experience	<ul style="list-style-type: none"> ◆ Basic Custodial Care ◆ Intermittent service roads often closed to vehicular traffic. 	<ul style="list-style-type: none"> ◆ Suitable for High Clearance Vehicles ◆ A primitive road with minimal to no maintenance that is not suitable for anything other than high clearance vehicles, four wheel drive or ATVs. 	<p>Suitable for Passenger Cars</p> <p>Roads operated and maintained for travel by a prudent driver in a standard passenger car.</p> <p>A gravel road that could be driven in a car but where poor surfaces such as ruts would be common,</p> <p>The road is narrow surface likely 16 feet or less in width.</p>	<p>Roads that provide a moderated degree of user comfort and convenience at moderate travel speeds.</p> <p>A surfaced road with a 16 to 24 foot width surface.</p> <p>A well maintained gravel or possibly surfaced road.</p> <p>Seldom marked double lane where traffic volume is low to moderate.</p>	<p>Roads that provide a high degree of user comfort and convenience at moderate to high speeds.</p> <p>A surfaced road with a 24 foot or more width surface.</p> <p>Hardened with asphalt or other imported material.</p> <p>Marked double lane where traffic volume is moderate to high.</p>