

OUTFITTERS & GUIDES LICENSING BOARD POLICY MANUAL	POLICY NUMBER: 2010	PAGE NUMBER: 1 of 4
	SUBJECT: Special Authorizations for One-Time Hazardous Excursions Outside of Operating Area	Drafted: Adopted: 11/10/1988 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 efficient and effective licensing and regulatory processes that are reasonable and fair; that make sense to the 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) (below) and defined in IDAPA 25.01.01.002.20 (below) 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.

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Hazardous Excursions do not include any type of hunting, fishing or boat tours. Boat safety, whitewater rescue training and etc., is considered a Hazardous Excursion. Other activities not listed above must be categorized as a Hazardous Excursion before this policy will be applicable to certain outfitter license special authorizations.

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.*

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. An outfitter wishing to conduct a **Hazardous Excursion activity** outside of his licensed area must obtain approval from the Outfitters and Guides Licensing Board to conduct the **Hazardous Excursion** by satisfying the following criteria:
2. The outfitter must be currently licensed for the specific **Hazardous Excursion activity being proposed, and it must be shown on their outfitter license.**
3. The applicant must provide the following to the Board and must have the Executive Director's written special authorization to proceed before advertising or promoting an activity.
 - a. **A location map identifying where in the State of Idaho this activity is proposed. A state highway map can be used.**
 - b. A specific written area description of the area or section of river etc., where the **Hazardous Excursion is to take place.**
 - c. **A map outlining the written area description that has sufficient detail to for someone unfamiliar with the area to understand the proposed area to be**

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used and the outfitter's provision of service in it . (Suitable maps are available from the BLM or US Forest Service that have sufficient detail for this purpose)

- d. A properly completed OG 23.2 form which provides for written permission for all applicable landowners or land managers specifically authorizing the **Hazardous Excursion and the use of the area**; and it also provides for permission from each outfitter whose licensed area(s) will be directly impacted by the **Hazardous Excursion activity see "i" below . (This form is available on the Board's website) Note, more than one OG-23.2 form may be required if one or more landowner, land manager or outfitter must provide permission.**
 - i. The area where the **Hazardous Excursion is to be provided must not be currently licensed to any existing outfitter(s), otherwise the applicant must provide a written authorization using the OG -23.2 from each licensed outfitter in the area indicating their acceptance of the specific Hazardous Excursion activity, the location and date of the Hazardous Excursion.**
 - ii. The Board nor its staff are obligated and they shall not attempt to obtain written permission or the OG 23.2 from applicable landowners or land managers or outfitters on behalf of the applicant.
 - e. **At the discretion of the Board's Executive Director, a properly completed OG-25 Idaho Department of Fish and Game (IDFG) Comment Form must be provided.** Many activities or locations are not likely to be of concern to IDFG; however, in some instances there may resource concerns such as when activities are proposed on lands other than those managed by federal agencies. **(This form is available on the Board's website)**
 - i. The Board nor its staff are obligated to provide and they will not attempt to obtain the OG 25 form from the IDFG on behalf of the applicant.
 - f. **A special authorization fee of \$100 for each authorization requested of the Board.**
4. The request must be properly submitted to the Board at a minimum of thirty (30) days prior to the date of the event with all information included, and will be addressed at the discretion of the Board's Executive Director (see IDAPA 25.01.01.064) prior to the applicant advertising or conducting the event..
 5. Upon approval, the Board's Executive Director will issue a letter authorizing the one-time

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Hazardous Excursion when he determines it is appropriate to do so. This notification will include the name and address of the outfitter, the location of the activity, the approved dates, and number of participants in the activity. The Board's Executive Director also may defer applications to the Board or deny them **when he determines it is appropriate to do so.** (see IDAPA 25.01.01.064) Those applicants denied will be advised of their appeal rights.

6. **A special authorization for a Hazardous Excursion may be for no more than five consecutive days in duration. However, more than one request may be made annually.**
7. No compensation or remuneration shall be permitted between outfitters participating in the conduct of a **Hazardous Excursion** on another outfitter's area, unless the outfitter supplies a service for that compensation.