



Eric Milstead  
Director

# Legislative Services Office Idaho State Legislature

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## MEMORANDUM

**TO:** Senators HEIDER, Brackett, Stennett and,  
Representatives GIBBS, Gestrin, Erpelding

**FROM:** Katharine Gerrity - Deputy Division Manager

**DATE:** June 05, 2019

**SUBJECT:** Temporary Rule

IDAPA 25.01.01 - Rules of the Idaho Outfitters and Guides Licensing Board - Adoption of Temporary Rule - Docket No. 25-0101-1902

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Katharine Gerrity at the Legislative Services Office at (208) 334-4845. Thank you.

Attachment: Temporary Rule

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**IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD**  
**25.01.01 – RULES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD**  
**DOCKET NO. 25-0101-1902**  
**NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective dates of the temporary rule are April 26, 2019, and May 22, 2019.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 36-2107(j), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

On April 26 and 29, 2019, the Idaho Outfitters and Guides Licensing Board met and adopted a temporary to implement House Bill 192 from the 2019 Legislative Session, which was effective March 28, 2019 pursuant to an emergency clause. The temporary rule is needed to ensure that deer and elk tags allocated for the use of client's of outfitters could be distributed and used for this hunting season. Subsequently, Board met on May 22, 2018 to reconsider its interpretation of the law and the temporary rule for the designation of allocated tags. Based upon the significant amount of comment and requests from outfitters and the overall effect of the timing of the law change, the Board amended the temporary rule. The amendment to the rule provides continuity for capped zones and controlled hunts for which the Idaho Fish and Game Commission did not change the number of allocated tags for this season, and it makes changes to the type of use that is the basis for calculations for controlled hunts.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(b)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

A temporary rule is needed to implement the new law and ensure that allocated hunting tags can be distributed and used for this hunt season.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), Idaho Code, the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Lori Thomason at (208) 327-7380.

Dated this 22nd day of May, 2019.

Lori Thomason  
Executive Director  
Outfitters and Guides Licensing Board  
1365 North Orchard Street #172  
Boise, Idaho 83706  
Phone: (208) 327-7380  
Fax: (208) 327-7382

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 25-0101-1902**  
**(Only Those Sections With Amendments Are Shown.)**

**000. LEGAL AUTHORITY.**

Rules of the Idaho Outfitters and Guides Licensing Board have been promulgated in accordance with the Idaho Administrative Procedures Act and pursuant to authority granted in the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21). ~~Pursuant to Section 36-2107, Idaho Code, the~~ Board offices ~~shall be~~ are located at 1365 N. Orchard, Suite 172, Boise, Idaho 83706. The Board's normal working hours are from 8 a.m. to 5 p.m., Mountain Time. The Board's telephone number is (208) 327-7380 and the FAX number is (208) 327-7382. The Board's website at [www.oglb.idaho.gov](http://www.oglb.idaho.gov). ~~The Board shall accept electronic signatures including facsimile signatures and other electronic signatures to the extent the Board's electronic equipment is able to receive and process such signatures.~~ (3-29-10)(4-26-19)T

**001. TITLE AND SCOPE.**

The purpose is to implement, administer, and enforce the Act to: (7-1-93)

~~01. **Criteria.** To establish criteria, guidelines, and policies for the implementation, administration, and enforcement of the Act.~~ (3-1-86)

~~02. **Uniform Standards.** 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 and the~~ (3-1-86)

~~03. **Adequate Protection and Enhancement.** 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.~~ (3-1-86)(4-26-19)T

~~04. **Other.** And for other purposes.~~ (3-1-86)

~~05. **General.** The Outfitters and Guides Act and these rules apply to all those who for compensation provide facilities, equipment, or services for the conduct of hunting, fishing, boating, or hazardous excursions, whether the compensation is in the form of cash, goods, or services.~~ (3-1-86)

**002. DEFINITIONS.**

The Act defines certain terminology applicable to its interpretation and administration (Idaho Code 36-2102). Further definitions, for the purposes of these Rules are: (4-1-92)

**01. Act.** Shall mean Idaho Code, Title 36, Chapter 21, commonly known as the Outfitters and Guides Act, as amended. (4-1-92)

**02. Administrative Noncompliance.** (3-10-03)

**a.** Two (2) or more repeated failures to apply for license renewal in a timely manner; or (3-10-03)

**b.** Two (2) or more repeated failures to file a complete application pursuant to Section 36-2113(a)(1), Idaho Code. (3-10-03)

**03. Allocated Tag.** A deer or elk tag in a capped zone or controlled hunt area that has been allocated by the Idaho Fish and Game Commission for use by hunters that have entered into an agreement to utilize the services of a licensed outfitter. (4-26-19)T

**034. Authorized Person.** An investigator or enforcement agent in the employ of the Board, a conservation officer of the Idaho Department of Fish and Game, or any local, state, or federal law enforcement officer. (4-1-92)

~~**04. Board.** *The Idaho Outfitters and Guides Licensing Board.* (4-1-92)~~

~~**05. Board Meeting.** *The set schedule of meeting dates established for conduct of regular Board business on a calendar year basis. Additional meetings may be scheduled as necessary (See Section 071).* (4-1-92)~~

**065. Booking Agent.** Any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele. (4-1-92)

**06. Capped Zone.** A game management area, unit or zone for which the Idaho Fish and Game Commission has limited or "capped" the number of deer or elk tags available for use in a general season hunt. (4-26-19)T

~~**079. Compensation.** The receipt or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party shall not be deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (4-1-92)~~

~~**10. Completed Application.** *An application submitted for Board consideration which contains all of the material required to be submitted by the Board for that license category.* (4-1-92)~~

~~**098. Consideration.** The receipt or taking of goods, services, or cash in exchange for the provision of facilities and services in the conduct of outfitted or guided activities. (4-1-92)~~

**09. Controlled Hunt.** A hunt for a species that has a season structure and other conditions determined by the Idaho Fish and Game Commission and that has a limited number of tags that are distributed by random drawing to hunters. (4-26-19)T

**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. (4-1-92)

**11. Designated Agent.** An individual who meets all qualifications for an outfitter's license who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations. A designated agent may act as a guide if he possesses the qualifications of a guide as determined by the Board. (Previously referred to as Managing Agent). (4-11-06)

**12. Drift Boats.** May be substituted for and have the same meaning as "float boats" defined below. (4-1-92)

**13. Enforcement Agent.** An individual employed by the Board having the power of peace officers to enforce the provisions of the Idaho Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and the Rules promulgated thereunder. (4-1-92)

**14. Facilities and Services.** The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (4-1-92)

**15. First Aid Card.** A valid card or other evidence demonstrating that issued by the American Red

~~Cross to denote~~ the individual whose name and signature appear thereon has successfully completed an applicable American Red Cross course or equivalent course that is acceptable to the Board and is qualified to render appropriate, minimal first aid as prescribed by the American Red Cross, ~~or other valid evidence showing successful completion of an equivalent course conducted by an organization acceptable to the Board.~~ (4-1-92)(4-26-19)T

**16. Fishing.** Fishing activities on those waters and for those species described in the rules of the Idaho Department of Fish and Game, IDAPA 13.01.11, "Rules Governing Fish," general fishing seasons and any anadromous fishing rules; for purposes of the "Act," fishing is defined as follows: (4-1-92)

- a. Anadromous fishing means fishing for salmon or steelhead trout. (4-1-92)
- b. Float boat fishing means the use of floatboats without motors for the conduct of fishing as a major activity on those waters open to commercial activities as set forth in Section 059. (4-1-92)
- c. Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures, as defined by Idaho Department of Fish and Game rules. (4-1-92)
- d. Incidental fishing means fishing conducted as a minor activity. (4-1-92)
- e. Power boat fishing means the use of power boats in conduct of fishing as a major activity on those Idaho waters open to commercial outfitting activities as set forth in Section 059. (4-1-92)
- f. Walk and wade fishing means fishing conducted along or in a river, stream, lake or reservoir, and may include the use of personalized flotation equipment, but does not include the use of watercraft. (4-1-92)

**17. Float Boats.** Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (4-1-92)

**18. Guide.** An individual who meets the criteria as set forth in Idaho Code 36-2102(c), and has further met the required qualifications as prescribed in the Rules to provide professional guided services to clientele in the pursuit and conduct of licensed activities. (4-1-92)

**19. Guide License.** A license issued by the Board to an individual who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities as defined in Idaho Code 36-2102(c). (4-1-92)

**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 trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, guiding courses, fishing courses, motored and non-motored cycling, wagon rides, sleigh rides, and dog sled rides. (3-29-10)

~~21. He/His/Him.~~ Shall mean either the male or female gender. (4-1-92)

**221. Hunting.** The pursuit of any game animal or bird and all related activities including packing of client camp equipment, supplies, game meat and clients to and from a hunting camp. (3-30-01)

~~232. Incidental Activity.~~ Shall be and is the same as a minor activity. (4-1-92)

**243. Minor Amendment.** All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (4-11-06)

**254. Investigator.** An individual employed by the Board to monitor compliance with the provisions of the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and Rules promulgated thereunder and issue warning tickets for violations thereof. An investigator shall not have arrest powers nor any other power of a peace officer. (4-1-92)

**265. Major Activity.** A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (4-1-92)

**276. Major Amendment.** All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (4-1-92)

**287. Minor Activity.** A licensed activity the nature of which must be carried out in conjunction with a major activity, but is not the primary purpose of the excursion. (3-15-02)

**298. 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 land masses of impressive size and height. (4-1-92)

**3029. New Opportunity.** A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past. (4-1-92)

**340. Nonresident.** An individual, corporation, firm, or partnership who is not a resident of the state of Idaho. (See "Resident"). (4-1-92)

**321. Operating Area.** The area assigned by the Board to an outfitter for the conduct of outfitting activities. (4-1-92)

**332. Operating Plan.** A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (See Subsection 018.03). (4-1-92)

**33. Outfitted Tag Use.** The following definitions of outfitted tag use apply for purposes of the designation of allocated tags in capped zones and controlled hunts as set forth in Section 057 of these rules. Outfitted tag use for a capped zone is the number of tags used by clients of an outfitter for the species for the type of allocated tags being designated. Outfitted tag use for a controlled hunt zone, unit, or game management area is the number tags used by clients of an outfitter in the hunt that has a species, season structure, and other conditions most closely matching the controlled hunt for which allocated tags are being designated. Until such time as the Idaho Department of Fish and Game is able to collect and verify outfitted tag use as provided in Section 36-408(4) Idaho Code, outfitted tag use shall be based on an outfitter's use reports, or the best data available, and shall be subject to verification by documentation or other reliable information acceptable to the Board. (5-22-19)T

**34. Outfitter.** An individual, corporation, firm, partnership, or other organization or combination thereof that meets the criteria as set forth in Idaho Code 36-2102(b), and has further met the required qualifications as prescribed in the Rules to conduct an outfitting business in Idaho. (4-1-92)

**35. Outfitter License.** A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in Section 36-2102(b), Idaho Code. The conduct of an outfitted operation on any land(s) is not authorized unless signed permission, a permit, or a lease is obtained from the land owner(s), or their agent(s), and filed with the Board. (3-15-02)

**36. Out-of-Pocket Costs.** The direct costs attributable to a recreational activity. Such direct costs shall not include: (4-1-92)

a. Compensation for either sponsors or participants; (4-1-92)

- b. Amortization or depreciation of debt or equipment; or (4-1-92)
- c. Costs of non-expendable supplies. (4-1-92)
- 37. Power Boats.** All motorized watercraft used on Idaho waters open to commercial outfitting activities as set forth in Subsections 059.01, 059.02 and 059.03 of these rules. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steering. (4-1-92)
- 38. Relinquishment of License Privileges.** The failure to re-apply at the expiration of a license; the loss through nonuse, inactivity, revocation, or voluntary surrender of a license; or other loss of license. *(See Subsection 030.03).* (3-23-98)(4-26-19)T
- 39. Resident.** An individual, corporation, firm, or partnership who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license. (4-1-92)
- ~~40. Rules. The Rules of the Board. (4-1-92)~~
- ~~41. Stay of Board Action. An order, pursuant to Idaho Code 67-5215(c), stopping or delaying the enforcement of a Board decision, order or action. (4-1-92)~~
- 42. Third Party Agreement.** The allowing of the conduct of an outfitted or guided activity by the outfitter licensed to conduct those activities by any persons not directly employed by said outfitter. (See Section 023). (4-1-92)
- ~~43.1. Trainee.~~ A person not less than sixteen (16) years of age who does not possess the necessary experience or skill qualifications required to obtain a guide license, but who is working toward obtaining the necessary experience or skill qualifications. This required training shall be recorded on a form provided by the Board. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. (5-1-95)
- 44. Boat Trainee Under Supervision.** A boat trainee must be in a boat operated by a licensed boatman, or one in which the operation is closely monitored by a licensed boatman. The licensed boatman need not be in the same boat during training as long as the trainee's activity is closely monitored. (3-10-03)
- 45.3. Unethical/Unprofessional Conduct.** Any activity(ies) by an outfitter or guide which is inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to: (3-30-01)
- a. An outfitter employing an unlicensed guide; (3-30-01)
- b. Providing false, fraudulent or misleading information to the Board; (3-30-01)
- c. Failure to obey an order of the Board; (3-30-01)
- d. Failure to provide services as advertised or contracted; (3-30-01)
- e. Harassment of the public in their use of Idaho's outdoor recreational opportunities; (3-30-01)
- f. Violation of state or federal fish and game laws; (3-30-01)
- g. Engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed; (3-30-01)
- h. Disregard for the conservation, maintenance or enhancement of fish, game, land and water resources; (3-30-01)

- i. Failure to pay a supplier of goods or services to the outfitter business; (3-15-02)
- j. Failure to pay state taxes; or (3-15-02)
- k. Operating in a manner which endangers the health, safety, or welfare of the public. (3-30-01)
- l. Selling lifetime excursions, lifetime hunts, or selling of outfitted activities to an individual for the life of that individual and collecting fees accordingly. (4-11-06)

~~46. Validated Training Form. An approved form bearing the "Great Seal of the State of Idaho" and the official stamp of the Board affixed thereon. (4-1-92)~~

~~47. Watercraft. A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal flotation devices (PFD's), or similar devices. (4-1-92)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**017. REVIEW OF OUTFITTER APPLICATIONS.**

~~An outfitter application requesting activities and operating areas identical to a license held the previous year will be reviewed thirty (30) days from the date all materials required for a complete application are received. An application requesting activities or areas in addition to those licensed the preceding license year, or an initial application, will be reviewed ninety (90) days from the date all materials are received. (3-10-03)(4-26-19)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**027. OUTFITTER LICENSE TENURE.**

Tenure in any outfitter's operating area ceases with the expiration of his outfitter license at the end of the license period. Priority in the operating area may be maintained by submitting a complete application for a license for the ensuing license period before the expiration date of the current license. ~~If a completed application is not received by the Board within ninety (90) days following the end of the license period, the license is relinquished. (3-15-02)(4-26-19)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**033. Guide Qualifications. (RESERVED)**

~~A guide license applicant shall meet all general requirements and criteria of the Act and rules, any specific requirements unique to his specialized field as identified below, and any other requirements which may be imposed by the Board or which may appear on the application form. (3-1-86)~~

**(BREAK IN CONTINUITY OF SECTIONS)**

**057. DESIGNATION OF ALLOCATED DEER AND ELK TAGS.**

~~For capped zones and controlled hunts for which the Idaho Fish and Game Commission adjusted the number of allocated deer or elk tags allocated among the authorized operating areas within each game management area, unit or zone will be determined by the Board pursuant to Sections 36-408(3) and 36-408(4), Idaho Code, and Department of Fish and Games rules, IDAPA 13-01-04, "Rules Governing Licensing" Sections 500, 505, and 506, based on historical use and a tag allocation factor shall be noted on the license of each outfitter so affected in March 2019, the Board will designate the allocated tags among the eligible outfitter operations as prescribed by Section 36-2107(j).~~



Idaho Code, and when necessary, based on an outfitter's proportional use within the capped zone or controlled hunt zone, unit, or game management area as set forth in this section. For purposes of this section, an eligible outfitter operation is an outfitter whose licensed activities include hunting the species for the type of allocated tag in the affected capped zone or controlled hunt zone, unit, or game management area. ~~(3-23-98)~~(5-22-19)T

**01. Calculation and Designation of Allocated Tags.** Pursuant to Section 36-2107(j), Idaho Code and as set forth below, an outfitter's number of designated tags will be the outfitter's base allocation number plus a proportional share of any surplus allocated tags based on outfitted tag use as set forth below, or when there is an insufficient number of allocated tags to satisfy each outfitter's base allocation, the outfitter's proportional use. The result is the number of allocated tags designated for the outfitter operation. The Board will notify outfitters of the number of designated allocated tags and the underlying basis for the designation. The designation applies until the next big game season setting by the Idaho Fish and Game Commission. (4-26-19)T

**a.** An outfitter's base allocation number is: (4-26-19)T

**i.** For a capped zone, the average of the last two (2) years of an outfitter's outfitted tag use. (4-26-19)T

**ii.** For a controlled hunt, the highest year within the last two (2) years of an outfitter's outfitted tag use. (4-26-19)T

**b.** An outfitter's proportional use is calculated by dividing an individual outfitter's base allocation by the total of the base allocations of all outfitters in the capped zone or controlled hunt zone, unit, or game management area, and then multiplying by the total number of allocated tags for the capped zone or controlled hunt. (4-26-19)T

**c.** When a calculation results in a partial tag, the calculation will be rounded up when a decimal equals or exceeds zero point six (0.6) and rounded down when a decimal is less than zero point six (0.6). (4-26-19)T

**d.** When there are remaining allocated tags after the Board has designated tags pursuant to Paragraphs a and b of this rule, the Board will designate remaining allocated tags based on the following priorities and in the following order: (4-26-19)T

**i.** All eligible outfitters whose base allocation number is zero (0) and who want to be designated allocated tags are designated at least one (1) allocated tag; (4-26-19)T

**ii.** Eligible outfitters with the fewest number of designated allocated tags have an equal number of designated allocated tags when possible; (4-26-19)T

**iii.** Based on a random drawing between the eligible outfitters with the fewest number of designated allocated tags provided that an outfitter is not designated more allocated tags than another outfitter that has a greater base allocation number; (4-26-19)T

**iv.** Based on the greater base allocation number between the eligible outfitters with the fewest number of designated allocated tags. (4-26-19)T

**e.** When there is a deficit of allocated tags to satisfy each outfitter's proportional use, the Board will identify the group of outfitters whose base allocation number was rounded up, and the deficit will be resolved against the outfitter whose base allocation number prior to rounding is closest to zero point six (0.6). In the event there are two outfitters with the same unrounded base allocation number closest to zero point six (0.6), the deficit will be resolved against one of those outfitters based on a random drawing. (4-29-19)T

**02. Stipulation by Outfitters.** Outfitters in a capped zone or for a controlled hunt may submit to the Board a written stipulation determining the number of allocated tags designated for each outfitter within the capped zone or for the controlled hunt. The stipulation must be signed by all eligible outfitters for the capped zone or controlled hunt. If the Board accepts the stipulation, the stipulation will be effective until the Idaho Fish and Game Commission sets the next big game season. (4-26-19)T

a. On or before November 1, any outfitter may petition the Board to withdraw from the stipulation for good cause. If the Board grants the withdrawal, then the Board will calculate and designate the allocated tags among the outfitters in that capped zone or controlled hunt according to Subsection 057.01 of this rule. (4-26-19)T

b. A stipulation only applies to the designation of allocated tags by the Board. (4-26-19)T

**03. Objection to Calculation.** An outfitter that believes the calculation is incorrect may object by filing a petition in accordance with the Idaho administrative procedures act with the Board along with any supporting information or documentation. (4-26-19)T

a. The Board will notify all other eligible outfitters in the capped zone or for the controlled hunt of the petition. (4-26-19)T

b. The outfitter bears the burden of establishing that the calculation was incorrect. (4-26-19)T

**04. Hardship Request.** An outfitter may submit to the Board a written request to maintain a previous base allocation number when the outfitter can demonstrate hardship, including health, act of nature, state or federal restrictions on hunting or access or other good cause that prohibited or limited the outfitter's ability to seek and accommodate clients and impacted the outfitter's use of designated allocated tags. The outfitter must provide any information requested by the board to assist in substantiating hardship cases. The hardship request must also be approved by the Idaho Department of Fish and Game to retain the outfitted hunter tag use history in the respective hunt. (4-26-19)T

**05. Change in Operating Area or Owner of Business.** When an outfitting business is sold or when an operating area is adjusted and designated allocated tags are associated with the affected operating area, the Board will transfer the associated designated allocated tags to the new owner. (4-26-19)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**065. GUIDE LICENSE AMENDMENTS.**

~~**01. Procedure for Amendment to Outfitter License.** An outfitter must procure an amendment to their license through the following procedure: (4-5-00)~~

~~**a.** The applicant requests an Amendment Request Form (OG9) from the Board. (4-5-00)~~

~~**b.** The applicant fills out and returns the completed Amendment Request Form to the Board along with an amended operating plan, financial statement, map (if applicable), land manager statement sheets (if applicable), and the amendment fee as provided for in Section 015. (4-5-00)~~

~~**c.** The Board initiates a review and analysis of the application following which the applicant is informed that: (4-5-00)~~

~~**i.** Additional materials are needed to complete the application; or (4-5-00)~~

~~**ii.** The amendment request is granted; or (4-5-00)~~

~~**iii.** The amendment request is denied. (4-5-00)~~

~~**02. Procedure for Amendment to Guide License.** A guide must procure an amendment to their license through the following procedure: by submitting to the Board an amendment fee and a complete application that includes certification from the outfitter that training requirements for the area and activity to be added have been met and proof of such training will be available at the Board's request. (4-5-00)(4-26-19)T~~

~~**a.** The guide or the outfitter must initiate the amendment request by contacting the Board. (4-5-00)~~

- ~~b. The outfitter for which all amendment requests are made must submit: (5-8-09)~~
  - ~~i. A properly completed amendment form that provides certification that training requirements for the area and activity to be added have been met and proof of such training will be available at the Board's request. (5-8-09)~~
  - ~~ii. The amendment fee as provided for in Section 015. (5-8-09)~~
- ~~e. The Board initiates a review and analysis of the application following which the applicant is informed that: (4-5-00)~~
  - ~~i. Additional materials are needed to complete the application; or (4-5-00)~~
  - ~~ii. The amendment request is granted; or (4-5-00)~~
  - ~~iii. The amendment request is denied. (4-5-00)~~