

FS Agreement No. 2016-MU-11046000-035

Cooperator Agreement No. _____

MEMORANDUM OF UNDERSTANDING
Between The
U.S.D.I., BUREAU OF LAND MANAGEMENT AND
IDAHO OUTFITTERS AND GUIDES LICENSING BOARD
And The
USDA, FOREST SERVICE
NORTHERN, INTERMOUNTAIN AND PACIFIC NORTHWEST REGIONS

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the USDI, Bureau of Land Management (State of Idaho) and the Idaho Outfitters and Guides Licensing Board, hereinafter referred to as "BLM and the IOGLB," and the United States Department of Agriculture (USDA), Forest Service, Northern, Intermountain and Pacific Northwest Regions, hereinafter referred to as the "U.S. Forest Service."

Background: This MOU is a renewal of a previous MOU 10-MU-11046000-029

Title: Licensing, authorizing and administering commercial outfitter and guide businesses on Federal lands (Forest Service and BLM) within the State of Idaho.

I. PURPOSE: The purpose of this MOU is to document the cooperation between the parties to provide procedures and guidance for coordination and cooperation among the PARTIES on issues involving the administration and operation of outfitters and guides on National Forest System lands and BLM public land (federal land) within the State of Idaho. The objective of this MOU is to establish an administrative framework for the purpose of coordinating respective permit and license procedures between the Forest Service, BLM, and the IOGLB in accordance with the following provisions.

II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS:

The Forest Service and Bureau of Land Management have responsibility to provide a variety of public recreation opportunities on federal lands in the State of Idaho. The Forest Service and BLM authorize commercial outfitters and guides to assist them in providing opportunities to visitors who choose to recreate with an outfitter. The Idaho Outfitters and Guides Licensing Board provide state licenses to commercial outfitters and guides in the State of Idaho and regulate that industry within the state.

To achieve better management of the outfitter and guide program, while improving the services that outfitters and guides provide to the public, the parties agree that it is to their mutual benefit and interest to work cooperatively to license, authorize and administer outfitter and guide operations on federal lands within the State of Idaho.



In consideration of the above premises, the parties agree as follows:

III. THE IOGLB SHALL:

1. Recognize the Forest Service as the land management agency responsible for administration, management, and use of National Forest System land according to applicable law, regulation, policy, and management direction.
2. Recognize BLM as the land management agency responsible for administration, management, and use of public land according to applicable law, regulation, policy, and management direction.
3. Communicate with the Forest Service and BLM in resolving licensing conflicts relating to the use and administration of National Forest System land and public land, respectively.
4. Notify the Agencies of any licensed activities or areas that have been suspended or revoked.
5. Notify the Agencies of proposed changes in rules, regulations, licensing procedures and policies of the IOGLB, before public notification, when Forest Service or BLM is involved. Notify the agencies when federal management actions are not in accordance with state law.
6. Communicate with the Agencies in adjusting outfitter operations to ensure resource protection and management.
7. Communicate with the Agencies, Idaho Department of Fish and Game (IDFG) information pertinent to the coordination of outfitter operations as contained in the MOU between IOGLB and IDFG; encourage information sharing and collaboration between IDFG and Forest Service and BLM as it relates to outfitter operations and resource management.
8. Assist the Agencies in enforcement of federal law and regulations governing outfitting and guiding by reporting violations or unsatisfactory performance, and to advise the Agencies of any convictions of outfitter and guides for violations of Title 36, Chapter 21. Idaho Code.
9. In close cooperation with the Forest Service, and BLM, the IOGLB will develop and maintain handbooks and user manuals for industry use following general provisions found in the MOU

IV. THE U.S. FOREST SERVICE SHALL: AND BLM:

1. Accommodate residents and nonresidents alike in the use and enjoyment of Idaho's mountains, rivers, streams, fish and game, and the scenic and recreational opportunities such resources provide for the American people,



present and future.

2. Recognize outfitting and guiding as a viable Idaho industry deserving full consideration in the planning process and to unify, so far as feasible, agency policy and procedures governing the outfitting and guiding industry on all federal land administered by the agencies in Idaho.
3. Recognize the IOGLB as the Idaho state agency responsible for the administration of the Idaho Outfitters and Guides Act (Title 36, Chapter 21, Idaho Code) and the Rules promulgated under that Act. Technical terms used in this MOU refer to definitions in IOGLB Rules. This recognition includes acknowledgement of state designation, limitations and or exceptions of commercial outfitting and guiding opportunities identified in the Idaho Administrative Procedures Act, 25.0101.
4. Recognize that the IOGLB coordinates outfitter operations affecting game management with IDFG through an MOU. Where appropriate, Forest Service and BLM will encourage information sharing and collaboration between the IOGLB, IDFG, Forest Service and BLM in regard to managing outfitter operations. IDFG will be included in scoping of permit applications and reissuance that have the potential to affect fish and wildlife resources (Reference Exhibit 2).
5. Communicate with the IOGLB relating to the approval or denial of application for commercial outfitter and guide activities within an agency's boundaries.
6. Inform and discuss with the IOGLB, those problems relating to the occupancy and use of public land by licensed outfitters including any permitted activities that have been suspended or revoked, or potentially will be in the current season.
7. Assist the IOGLB in enforcement of Idaho law governing outfitting and guiding by reporting complaints, violations or unsatisfactory performance; advising the IOGLB of any convictions of outfitters or guides for violations of Federal law or regulations; and subject to availability, provide facilities or transportation in support of IOGLB enforcement activities. (Refer to provision V. g. below.)
8. Provide IOGLB updated lists of agency administrators related to outfitter management by Forest and Ranger District Offices and BLM Field Offices by January 15 of each year. The USFS lead region (R4) will collect contact information and provide to the IOGLB a listing which will include the forest recreation manager, district ranger and the district recreation permit administrator. BLM state office will provide the IOGLB with the name and contact information for each field office manager and the appropriate outdoor recreation planner.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:



1. All Parties shall:

- a. Maintain close cooperation between IOGLB, Forest Service, and BLM personnel with complete interchange of information in matters of mutual interest.
- b. Create working groups, as needed, to address issues and concerns affecting outfitters and guides agency permitting and IOGLB licensing activities in order to create cooperative solutions.
- c. Use the IOGLB map database, maintained by IDFG, as a consistent data source for agency outfitter maps; communicate and coordinate annually all mapping updates to licensed outfitter areas.
- d. Communicate to the other agency's any policy or management changes that effect commercial outfitting or guiding opportunities in the state of Idaho.
- e. Coordinate the permitting and licensing of activities on federal land for outfitting and guiding purposes by following the guidelines (Exhibits 1 through 5) based on the following procedures:
 - i. Use Exhibit 1 where a sale and transfer are involved, there has been no break in the continuity of the permit or license, and agency analysis indicates continued outfitted operations are appropriate.
 - ii. Use Exhibit 2 for a new outfitter business opportunity on federal land as identified by an individual.
 - iii. Use Exhibit 3 where opportunities identified through Agency planning efforts or by the public expressing a need or desire, indicate a new commercial opportunity is identified where no similar commercial activity was conducted in the past.
 - iv. Use Exhibit 4 where an existing outfitter requests an amendment for a change in operating area or activities, a redistribution of operating area (i.e. boundary adjustment) or business operations.
 - v. Use Exhibit 5 as the performance rating system for Outfitters and Guides.
 - vi. Exhibits 1-5 and Attachments 1-3 maybe be changed or modified at any time with the agreement of the participating agencies.
- f. Issue the license or permit in cases of routine renewal where no change is involved and no compliance problem, policy or management plan direction changes exists. In cases where a license or permit are not issued the other agency is notified in a timely manner.
- g. Issue the license or permit only after all parties have agreed as represented by a completed Land Manager's Statement.



- h. Not issue a license or permit without making prior contact with the appropriate agency in cases where competitive interest *is* lacking.
- i. Coordinate proposals for consolidation of federal permits including effects to service day/use days/quotas with IOGLB: (1) Identify and maintain IOGLB license opportunities associated use on the face page (FS) or in the case file (BLM) when permits with different state licenses are consolidated or modified. (2) Recognize that an outfitter or agencies may initiate a request to IOGLB to adjust the number of licenses issued by IOGLB.
- j. Coordinate in cases where competitive interests are evident, the IOGLB's responsibility to license and Forest Service's and BLM's responsibility to permit to ensure that the applicant, to the extent possible, is mutually acceptable to both agencies.
- k. Develop joint training materials and host training as needed to help field units implement this MOU.
- l. Use Exhibit 5 to administer performance review standards for Forest Service Special Use Permits, BLM Special Recreation Permits, and IOGLB Statutes, Rules and Operating Plans. Further the parties agree to:
 - i. Communicate pending administrative or adverse actions regarding performance issues.
 - ii. Support the appropriate administrative or adverse actions taken by Forest Service, BLM, or IOGLB.
- m. Annually hold a joint meeting to discuss MOU changes and other policy matters. IOGLB will take the lead for initiating the meeting.
- n. Seek opportunities to jointly fund, through subsequent agreements, mutually beneficial projects such as the GIS mapping system with the Idaho Recreation and Tourism Initiative.
- o. When differences exist between Forest Service, BLM and IOGLB regarding implementation of the terms and conditions of this MOU, informal communication processes should be used first to resolve differences. Informal communication includes using personal conversations, telephone calls and emails that are not circulated outside the agency contacts. These are appropriate means to problem resolution. Where dialogue fails to resolve the problem the following formal process will be used to promote resolution.
- p. Resolve impasses between Forest Service, BLM, and IOGLB in administering the terms of the MOU using the following procedures:
 - i. In the event the IOGLB reaches an impasse with a Forest Service Ranger District or BLM Field Office decision, the



IOGLB notifies the responsible officer in writing, and refers the matter to the respective Forest Supervisor or to the BLM District Manager.

- ii. In the event the IOGLB reaches an impasse with the Forest Supervisor or BLM District Office decision, the IOGLB notifies the responsible officer in writing, and refers the matter to the respective Regional Forester or to the BLM State Office.
- iii. In the event the Forest Service or BLM reaches an impasse with the IOGLB, the Forest Service or BLM notifies the IOGLB Executive Director and Board Chair in writing and refers the matter to the respective Regional Forester or the BLM State Director for forwarding to the Governor of Idaho

2. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

Primary Forest Service Project Contact Region 4	U.S. Forest Service Administrative Contact Region 4
Steve Scheid: Recreation Special Uses Program Manager USDA Forest Service, Region 4 324 25 th Street Phone: (801) 625-5175 FAX: (801) 625-5170 Email: sscheid@fs.fed.us	Name: Carla Pickering Address: 324 25 th Street City, State, Zip: Ogden, UT 84401-2310 Telephone: 801-625-5812 FAX: Email: carlapickering@fs.fed.us
Forest Service Contact Region 1	IOGLB Contact
Jimmy Gaudry: Outfitter and Guide Program Leader USDA Forest Service, Northern Region P.O. Box 7669 Missoula, MT 59807 Phone: (406) 329-3522 FAX: (406) 329-3132 Email: jcgaudry@fs.fed.us	Lori Thomason: Executive Director IOGLB 1365 N. Orchard, Room 172 Boise, ID 83706 Phone: (208) 327-7380 FAX: (208) 327-7382 Email: lthomason@oglb.idaho.gov , <i>lori.thomason</i>
Forest Service Contact Region 6	Additional Forest Service Contact Region 6
Dan Ermovick: Forest Rec, Wilderness and Trails Program Manager Wallowa-Whitman NF Region 6 PO Box 907 Baker City, OR 97814 Phone: (541)523-1250 Fax: (541) 523-1315 Email: dermovick@fs.fed.us	Christy Covington Recreation Special Uses Program Manager PNW Regional Office 1220 SW 3 rd Ave Portland OR, 97204 Phone: (503) 808-2442 Fax: (503) 808-2429 ccovington@fs.fed.us



BLM Contact	
Robin Fehlau: State Recreation Planner BLM, Idaho State Office 1387 South Vinnell Way Boise, ID 83709 Phone: (208) 373-3825 FAX: (208) 373-3805 Email: robin_fehlau@blm.gov	

3. NOTICES. Any communications affecting the operations covered by this agreement given by the U.S. Forest Service or the BLM and IOGLB is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by e-mail or fax, as follows:

To the U.S. Forest Service Program Manager, at the address specified in the MOU.

To the BLM State Recreation Planner, at the address specified in the MOU.

To IOGLB, at the IOGLB's address shown in the MOU or such other address designated within the MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

4. PARTICIPATION IN SIMILAR ACTIVITIES. This MOU in no way restricts the U.S. Forest Service or the BLM or IOGLB from participating in similar activities with other public or private agencies, organizations, and individuals.
5. ENDORSEMENT. Any of Cooperator's contributions made under this MOU do not by direct reference or implication convey U.S. Forest Service endorsement of the BLM and IOGLB's products or activities.
6. NONBINDING AGREEMENT. This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinated and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.



Specific, prospective projects or activities that involve the transfer of funds, services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides, nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and any Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of these prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

7. USE OF U.S. FOREST SERVICE INSIGNIA. In order for parties to use each other's insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted from the appropriate communications entity. For the U.S. Forest Service that is the US Forest Service's Office of Communications. For the BLM it is the Idaho State Office of Communications. For the IOGLB it is their Office of Communications. A written request must be submitted and approval granted in writing by the Office of Communications (Washington Office) prior to use of the insignia.
8. MEMBERS OF U.S. CONGRESS. Pursuant to 41 U.S.C. 22, no U.S. member of, or U.S. delegate to, Congress shall be admitted to any share or part of this agreement, or benefits that may arise therefrom, either directly or indirectly.
9. FREEDOM OF INFORMATION ACT (FOIA). Public access to MOU or agreement records must not be limited, except when such records must be kept confidential and would have been exempted from disclosure pursuant to Freedom of Information regulations (5 U.S.C. 552).
10. TEXT MESSAGING WHILE DRIVING. In accordance with Executive Order (EO) 13513, "Federal Leadership on Reducing Text Messaging While Driving," any and all text messaging by Federal employees is banned: a) while driving a Government owned vehicle (GOV) or driving a privately owned vehicle (POV) while on official Government business; or b) using any electronic equipment supplied by the Government when driving any vehicle at any time. All cooperators, their employees, volunteers, and contractors are encouraged to adopt and enforce policies that ban text messaging when driving company owned, leased or rented vehicles, POVs or GOVs when driving while on official



Government business or when performing any work for or on behalf of the Government.

11. U.S. FOREST SERVICE ACKNOWLEDGED IN PUBLICATIONS, AUDIOVISUALS AND ELECTRONIC MEDIA. The parties shall acknowledge U.S. Forest Service support in any publications, audiovisuals, and electronic media developed as a result of this MOU.
12. TERMINATION. Any of the parties, in writing, may terminate this MOU in whole, or in part, at any time before the date of expiration.
13. DEBARMENT AND SUSPENSION. The IOGLB shall immediately inform the U.S. Forest Service and the BLM if they or any of their principals are presently excluded, debarred, or suspended from entering into covered transactions with the federal government according to the terms of 2 CFR Part 180. Additionally, should IOGLB or any of their principals receive a transmittal letter or other official Federal notice of debarment or suspension, then they shall notify the U.S. Forest Service and BLM without undue delay. This applies whether the exclusion, debarment, or suspension is voluntary or involuntary.
14. MODIFICATIONS. Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change.
15. COMMENCEMENT/EXPIRATION DATE. This MOU is executed as of the date of the last signature and is effective through five years from the date of final signature at which time it will expire.
16. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.

In witness whereof, the parties hereto have executed this MOU as of the last date written below.



<p>U.S.D.I. BUREAU OF LAND MANAGEMENT</p> <p><i>Peter J. Dittow</i></p> <hr/> <p>Idaho State Director Date 9/22/2017</p> <p>IDAHO OUTFITTERS AND GUIDES LICENSING BOARD</p> <hr/> <p>Chairman of the Idaho Outfitters & Guides Licensing Board Date</p>	<p>Date</p>
<p>U.S.D.A. FOREST SERVICE</p> <p>Regional Forester, Northern Region Date</p> <hr/> <p>LESLIE A. C. WELDON</p> <p>Regional Forester, Intermountain Region Date</p>	<p>Date</p>

<p>NORA RASURE</p> <p>Regional Forester, Pacific Northwest Region Date</p> <hr/> <p>JAMES M. PENA</p>	
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<p>U.S.D.I. BUREAU OF LAND MANAGEMENT</p> <hr/> <p>Idaho State Director, Date</p> <p>IDAHO OUTFITTERS AND GUIDES LICENSING BOARD</p> <hr/> <p>Chairman of the Idaho Outfitters & Guides Licensing Board Date</p>	<p>Date</p>
<p>U.S.D.A. FOREST SERVICE</p> <p>Regional Forester, Northern Region Date</p> <p><i>Leanne M. Marten</i> LEANNE M. MARTEN</p> <p>Regional Forester, Intermountain Region Date</p>	<p>Date</p> <p>8/12/16</p>

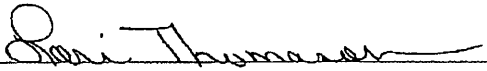
<p><u>NORA RASURE</u></p> <p>Regional Forester, Pacific Northwest Region Date</p> <p><u>JAMES M. PENA</u></p>	
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<p>U.S.D.I. BUREAU OF LAND MANAGEMENT</p> <hr/> <p>Idaho State Director Date</p> <p>IDAHO OUTFITTERS AND GUIDES LICENSING BOARD</p> <hr/> <p>Chairman of the Idaho Outfitters & Guides Licensing Board Date</p>	<p>Date</p>
<p>U.S.D.A. FOREST SERVICE</p> <p>Regional Forester, Northern Region Date</p> <hr/> <p>LEANNE M. MARTEN Regional Forester, Intermountain Region Date</p>	<p>Date</p>

<p><i>George C. Owens</i> (For) <u>NORA RASURE</u> Regional Forester, Pacific Northwest Region Date</p> <p><i>X James M. Pena</i> <u>JAMES M. PENA</u></p>	<p>8/17/2016</p> <p>X 12 Aug 16</p>
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<p>U.S.D.I. BUREAU OF LAND MANAGEMENT</p> <hr/> <p>Idaho State Director</p>	<p>Date</p>
<p>IDAHO OUTFITTERS AND GUIDES LICENSING BOARD</p>  <hr/> <p>Lori Thomason; Executive Director of the Idaho Outfitters & Guides Licensing Board</p>	<p>Date</p> <p>8-26-2016</p>
<p>U.S.D.A. FOREST SERVICE</p> <p>Intermountain Region Regional Forester</p> <hr/> <p>NORA RASURE</p> <p>Northern Rockies Region Regional Forester</p> <hr/> <p>LEANNE MARTEN</p> <p>Pacific Northwest Region Regional Forester</p> <hr/> <p>JAMES M. PENA</p>	<p>Date</p> <hr/> <hr/> <hr/> <hr/>

The authority and format of this agreement have been reviewed and approved for signature.



<p>U.S.D.I. BUREAU OF LAND MANAGEMENT</p> <hr/> <p>Idaho State Director Date</p> <p>IDAHO OUTFITTERS AND GUIDES LICENSING BOARD</p> <hr/> <p>Chairman of the Idaho Outfitters & Guides Licensing Board Date</p>	<p>Date</p>
<p>U.S.D.A. FOREST SERVICE</p> <p>Regional Forester, Northern Region Date</p> <hr/> <p>LEANNE M. MARTEN Regional Forester, Intermountain Region Date</p>	<p>Date</p>

<p><u>NORA RASURE</u></p> <p>Regional Forester, Pacific Northwest Region Date</p> <p><i>X [Signature]</i> <u>JAMES M. PENA</u></p>	<p>X 12 Aug 16</p>
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The authority and format of this agreement have been reviewed and approved for signature.

Elaine Hilliard

ELAINE HILLIARD

U.S. Forest Service Grants Management Specialist,
Northern Region (Region 1)

8/11/16

Date

SHARON KYHL

U.S. Forest Service Grants Management Specialist
Pacific Northwest Region (Region 6)

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

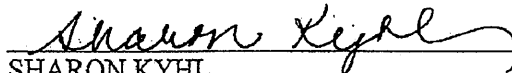
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.



The authority and format of this agreement have been reviewed and approved for signature.

ELAINE HILLIARD
U.S. Forest Service Grants Management Specialist,
Northern Region (Region 1)

Date


SHARON KYHL
U.S. Forest Service Grants Management Specialist
Pacific Northwest Region (Region 6)

8-4-16

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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EXHIBITS AND ATTACHMENTS

Exhibit 1 – Page 2	Sale and Transfer of a licensed and permitted business
Exhibit 2 – Page 5	New outfitting opportunity proposed by an individual
Exhibit 3 – Page 8	New outfitting opportunity proposed by an agency or IOGLB.
Exhibit 4.1 – Page 10	Guidelines for amending an existing license or permit
Exhibit 4.2 – Page 13	One-Time Authorization for a Controlled Hunt Out of an Outfitter's Licensed Area
Exhibit 4.3 – Page 15	Hot Pursuit of Bear and Cougar with Hounds Out of an Outfitter's Licensed Area
Exhibit 4.4 – Page 17	Guidelines for reductions to a licensed operating area or licensed activities proposed by an agency
Exhibit 5 – Page 18	Outfitter-Guide Performance Rating Guidelines and Rating Form
Attachment 1 – Page 22	Preliminary Outfitter Operating Proposal
Attachment 2 – Page 25	Optional Joint Selection Process- Application Section Process And Evaluation Procedure For Outfitting Opportunities Prospectus

EXHIBIT 1

**Guidelines for Issuing
Forest Service (USFS) Special Use Permits, or
Bureau of Land Management (BLM) Special Recreation Permits, and
Idaho Outfitter and Guide Licenses
Upon the
Sale of the Business**

When to use: Where a sale is involved, there has been no break in the continuity of the permit or license, and agency analysis indicates continued outfitted operations are appropriate.

Estimated processing time: A simple sales agreement may take three months to complete provided Step 1 is completed in a timely manner. Complex sales may take additional processing time as described in Step 2.

Note: All Idaho Outfitters & Guides Licensing Board (IOGLB) forms referenced below can be found on IOGLB's website at www.oglb.idaho.gov.

Step	Action
1	<p>The sale of an outfitter business is initiated by the seller submitting an <i>Applicant's Letter of Intent form</i> (OG-21) to IOGLB.</p> <p>The IOGLB will respond with a letter to the Seller and Buyer with a copy to the applicable agency administrator(s) explaining the steps to be taken and the forms that are required</p> <p>When the USFS or BLM receives a verbal or written proposal regarding the sale of a business, or a portion of a business, the USFS or BLM will complete the <i>Land Manager's Statement</i> (OG-6) and proceed with Step 2. This initiates an applicant's letter of intent (Attachment 1) .</p> <p>At this time, the seller, the buyer (if identified), USFS or BLM and IOGLB will identify any proposed changes to the terms of the license, the USFS special use permit or BLM special recreation permit, and the operating plan and will work together to reconcile differences regarding currently licensed and permitted activities and operating areas on federal land (Land Manager's Intent).</p> <p><u>Note:</u> Outfitters licensed in multiple federally permitted areas require <i>Land Manager's Statement</i> (OG-6) from each land manager. Also, a USFS or BLM permit administrator may coordinate with and represent other USFS or BLM land managers by indicating their intentions on the <i>Land Manager's Statement</i> (OG-6). The other agency's administrators must be identified.</p>
2	<p>The USFS or BLM will indicate by checking the appropriate box in the preliminary section of the <i>Land Manager's Statement</i> (OG-6) along with proposed sales agreements, operating area descriptions and applicable maps, their intention to consider issuing a USFS special use permit or BLM special recreation permit, including an explanation of</p>

	<p>proposed changes to permitted activities should the applicant be qualified and submit to IOGLB.</p> <p>The USFS or BLM will arrange a meeting between the interested parties and involve the IOGLB, as needed.</p> <p><u>Note:</u> If the final proposal involves an expansion of operating area(s), activities, business operations, or a redistribution of operating area (i.e. boundary adjustment), the seller and buyer will be notified that only the existing business can be sold and that the buyer will be directed to submit a major amendment after the sale is complete. In this instance, the IOGLB, USFS, and BLM will follow the process outlined in exhibit 4.</p>
3	<p>The seller submits an <i>IOGLB Relinquishment Form</i> (OG- 13) or an <i>IOGLB Major Amendment Form</i> (OG-9) and properly completed annual IOGLB use report forms to IOGLB and the buyer submits a New Outfitter License Application or an <i>IOGLB Major Amendment Form</i> (OG-9) to IOGLB.</p> <p>Concurrently, the seller submits the appropriate agency request for termination to the USFS or BLM and the buyer submits a new permit application to USFS or BLM.</p> <p><u>Note:</u> If the final proposal involves a reduction of operating area, activities, business operations, or a redistribution of operating area (i.e. boundary adjustment), the seller and buyer will be notified that the sale will move forward with the reductions put in place at the time the sale is complete. The reduction will be explained to IOGLB on the <i>Land Manager's Statement</i> (OG-6) with applicable documents provided. A copy of the <i>Land Manager's Statement</i> (OG-6) explaining the agency decision will be copied to the seller and buyer by the USFS or BLM. Also, an OG-14.1 form maybe used additionally to provide appropriate documentation to the IOGLB.</p>
4	<p>The USFS or BLM and IOGLB review applications and documents showing conveyance of the business assets, as defined in the permit, to determine validity of the sale. This review will verify that the license or permit has no sale value.</p> <p><u>Note:</u> All cost recovery matters will be explained on the <i>Land Manager's Statement</i> (OG-6) when provided to IOGLB and copied to the seller and buyer by the USFS or BLM.</p>
5	<p>Subsequently, the IOGLB will determine the buyer's ability to conduct a viable operation and determine whether or not a license will be issued. IOGLB will issue <i>Letter of Intended Action Form</i> (OG-22) explaining its joint acceptance of the application with the USFS and BLM with copies to the USFS, BLM and the seller and buyer.</p> <p>The USFS or BLM will determine the buyer's ability to conduct a financial and technically capable operation and determine whether or not to accept the proposal as an application and move it through the National Environmental Policy Act (NEPA) process. The agency will check the appropriate box of the <i>Land Manager's Statement</i> (OG-6) and submit to IOGLB.</p>

	<p>Once NEPA analysis is completed and a decision document is signed authorizing use, the USFS or BLM and IOGLB jointly notify the seller and buyer of the results of their decision.</p>
6	<p>If a license/permit is to be issued the following will take place:</p> <ol style="list-style-type: none">1) All required applicant submittals are on file.2) The IOGLB will issue an Outfitter License <u>renewable annually by March 31</u>.3) The USFS issues a probationary 2-year priority use permit. If the holder of a 2-year priority use permit performs acceptably for the first 2-years, and if the holder's use is consistent with the applicable land management plan or project implementation decision, extend the permit for up to 8-years. If the holder receives an unacceptable performance rating at the end of the 2-year period, allow the permit to expire (FSH 2909.14 53.1m).4) An annual BLM Special Recreation Permit is issued for one or more years before issuing a multi-year permit. A permit for up to ten years with annual validation may be issued after acceptable performance under an annual permit. <p>If a federal permit is not issued, the USFS or BLM will formally notify IOGLB who will then take the appropriate action to revoke the license.</p>

EXHIBIT 2

**Guidelines for Issuing
New USFS Special Use Permits; or
New BLM Special Recreation Permits; and
New Idaho Outfitter and Guide Licenses
Resulting from a new outfitting opportunity proposed by an
Individual**

When to use: This exhibit is used for a new outfitting business opportunity on federal land as identified by an individual.

Estimated processing time: Generally this process may take 12 to 18 months to complete barring unusual factors.

Note: All IOGLB forms referenced below can be found on IOGLB's website at www.oglb.idaho.gov.

Step	Action
1	<p>All individuals seeking a new outfitting opportunity will be asked to complete and submit an <i>Applicant's Letter of Intent form (OG-21)</i> to IOGLB. IOGLB will review and issue a <i>Letter of Intended Action Form (OG-22)</i> explaining its decision and providing an explaining to moving forward as the case may be with copies to the USFS, BLM Those requests that are able to move forward will be referred to the USFS or BLM.</p> <p>When the USFS or BLM receives a written proposal (Attachment 2: Sample operating plan/proposal) or a <i>Letter of Intended Action Form (OG-22)</i> seeking a new commercial opportunity, initial screening is completed and a preliminary <i>Land Manager's Statement (OG-6)</i> will be sent to IOGLB.</p> <p>Typically, individual outfitting proposals on public land initiates the need for competitive application and a public application process. Submission of a proposal does not convey any right to a permit or license.</p>
2	<p>When a proposal with a completed preliminary <i>Land Manager's Statement (OG-6)</i> is received by the IOGLB, the IOGLB's Executive Director or designee will contact the agency representative to discuss the process to be used to analyze the specific case if necessary.</p> <p>Notification and agreement on the process should be accomplished within 30 – 60 days of receipt or identification of the opportunity.</p>
3	<p>If the USFS or BLM determines that the proposal is not in conformance with law, regulation, policy or management direction, the agencies will notify IOGLB of this determination with the completed final <i>Land Manager's Statement (OG-6)</i> with an explanation.</p> <p>If the USFS or BLM determines that the proposal is acceptable, the agency will then proceed with initiating the NEPA requirements.</p>

4	<p>The USFS and BLM will conduct scoping. Include adjacent outfitters in the scoping effort. Include the Idaho Fish & Game (IDFG) in scoping that potentially affects fish and wildlife resources.</p> <p>The USFS or BLM reviews public comments and internal concerns to determine the issues identified. The authorized officer will determine the appropriate environmental documentation (Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement). Scoping information and the selected level of environmental analysis will be shared with IOGLB. At a minimum this will include public comments (i.e. IDFG and Outfitters) and internal concerns, if any.</p>
5	<p>The USFS or BLM conducts any required consultation with regulatory agencies and completes the appropriate environmental analysis. The authorized officer documents the decision in the appropriate environmental documentation. If the analysis determines the proposed activity will not be authorized, the authorized officer will offer to meet with the IOGLB to discuss the basis for the decision. The party making the proposal will be formally notified by the authorized officer regarding the decision with documentation provided to IOGLB.</p> <p>If the authorized officer determines the proposed activity will be authorized, they will notify the IOGLB meeting is scheduled, if necessary, to determine the elements of the prospectus.</p> <p><u>Note:</u> Where special circumstances warrant, consistent with agency policy, the IOGLB, USFS or BLM may waive the competitive process for the permittee or licensee selection, e.g., purchase contract default, estate settlement, lack of competitive interest, or other special conditions.</p>
6	<p>The USFS or BLM completes a prospectus package incorporating feedback from IOGLB. The agency provides a final prospectus to the IOGLB. The IOGLB and USFS or BLM will work jointly to advertise and solicit applications.</p> <p>The IOGLB initiates the selection process by inviting applications as required by IOGLB Rules. The IOGLB provides applicants with an information packet including all necessary IOGLB and USFS or BLM forms and information. Applicants submit an application package to the IOGLB for analysis. The IOGLB provides a copy of each applicant's proposal to the USFS or BLM prior to the review, scoring and selection of the preferred applicant.</p>
7	<p>The USFS or BLM and IOGLB jointly decide to review the applications either by:</p> <ol style="list-style-type: none"> 1) Independently and concurrently identifying the top 5 applicants. The results are then shared and a consensus is reached to select the final prioritized list of prospective licensees/permittees; or 2) Jointly with the IOGLB following the joint selection process (Attachment 3). <p>The IOGLB conducts a final screening with USFS or BLM input to qualify the preferred applicant. The IOGLB identifies the preferred licensee/permittee, whose</p>

	name is forwarded to the USFS or BLM. This information is confidential to the extent allowed by law and regulation.
8	The USFS or BLM completes the final <i>Land Manager's Statement</i> (OG-6) and forwards it to the IOGLB, indicating the intent to issue a permit.
9	The IOGLB issues a license and the USFS or BLM issues a USFS Special Use Permit or a BLM Special Recreation Permit. The permit and license are issued as soon as all required applicant submittals are on file. IOGLB will formally notify the unsuccessful applicants of the decision.

EXHIBIT 3

**Guidelines for Issuing
New USFS Special Use Permits; or
New BLM Special Recreation Permits; and
New Idaho Outfitter and Guide Licenses
Resulting in a new outfitting opportunity
Proposed by an agency or IOGLB**

When to use: When an Agency or IOGLB identifies a new outfitting opportunity where no similar commercial activity was conducted in the past.

or

Where a break in the continuity of an authorization for an operating business occurs due to a license or permit being vacated, terminated, revoked, abandoned, or due to any other similar circumstance resulting in the need to issue a new permit or license other than the sale of a business or to conduct an operation in an area where an operation had previously been conducted. In such circumstances, the IOGLB, USFS, and BLM will closely coordinate the implementation of the "GUIDELINES" to ensure that all special conditions are recognized and taken into account before issuing a new permit or license.

Estimated processing time: Generally this process may take 12 to 18 months to complete barring unusual factors. This time frame may be significantly reduced when it applies to a temporary authorization for a one-time controlled hunt.

Note: All IOGLB forms referenced below can be found on IOGLB's website at www.oglb.idaho.gov.

Step	Action
1	When a potential new outfitting opportunity is identified by either the agencies or IOGLB, either party notifies the other to discuss the process for analyzing the specific case.
2	If the USFS or BLM determines the proposal is not in conformance with law, regulation, policy or management direction, the agencies will notify IOGLB of this determination with the completed final <i>Land Manager's Statement</i> (OG-6) along with authorized sales agreements, operating area descriptions and applicable maps with an explanation. If IOGLB determines the proposal is not in conformance with law, regulation, policy or management direction, the IOGLB will notify the appropriate agency of this determination. If the USFS, BLM or IOGLB determines the proposal is acceptable, the agency will then proceed with initiating the NEPA requirements.
3	The USFS and BLM will conduct scoping. Include adjacent outfitters in the scoping effort. Include the IDFG in scoping that potentially affects fish and wildlife resources.

	<p>The USFS or BLM reviews public comments and internal concerns to determine the issues identified. The authorized officer will determine the appropriate environmental documentation. Scoping information and the selected level of environmental analysis will be shared with IOGLB. At a minimum this will include public comments (i.e. IDFG and Outfitters) and internal concerns, if any.</p>
4	<p>The USFS or BLM completes the appropriate environmental analysis and the authorized officer documents the decision in the appropriate environmental documentation. The USFS or BLM conducts any required consultation with regulatory agencies.</p> <ol style="list-style-type: none"> 1) If the analysis determines the proposed activity will not be authorized, the authorized officer will offer to meet with the IOGLB to discuss the basis for the decision. The party making the proposal will be formally notified by the IOGLB regarding the environmental analysis decision. 2) If the analysis determines the proposed activity will be authorized, the authorized officer notifies the IOGLB of the selected alternative. A joint review session is scheduled, if necessary, to determine the elements of the prospectus.
5	<p>The USFS or BLM completes a prospectus package incorporating feedback from IOGLB. The agency provides a final prospectus to the IOGLB. The IOGLB and USFS or BLM will work jointly to advertise and solicit applications.</p> <p>The IOGLB initiates the selection process by inviting applications as required by IOGLB Rules. The IOGLB provides applicants with an information packet including all necessary IOGLB and USFS or BLM forms and information. Applicants submit an application package to the IOGLB for analysis. The IOGLB provides a copy of each applicant's proposal to the USFS or BLM within a reasonable timeframe.</p> <p>Note: Where special circumstances warrant, the IOGLB, USFS or BLM may waive the competitive process for the permittee or licensee selection, e.g., purchase contract default, estate settlement, lack of competitive interest, or other special condition.</p>
6	<p>The USFS or BLM and IOGLB jointly decide to review the applications either by:</p> <ol style="list-style-type: none"> 1) Independently and concurrently identifying the top 5 applicants. The results are then shared and a consensus is reached to select the final prioritized list of prospective licensees/permittees; or 2) Jointly with the IOGLB following the joint selection process (Attachment3). <p>The IOGLB conducts a final screening with USFS or BLM input to qualify the preferred applicant. The IOGLB identifies the preferred licensee/permittee, whose name is forwarded to the USFS or BLM.</p>
7	<p>The USFS or BLM completes the final <i>Land Manager's Statement</i> (OG-6) and forwards it to the IOGLB, indicating the intent to issue a permit.</p>
8	<p>The IOGLB issues a license and the USFS or BLM issues a USFS Special Use Permit or a BLM Special Recreation Permit. The permit and license are issued as soon as all required applicant submittals are on file.</p>

EXHIBIT 4.1

Guidelines for Amending Existing USFS Special Use Permits; or Existing BLM Special Recreation Permits; and Existing Idaho Outfitter and Guide Licenses; or One-Time Authorization for a Controlled Hunt

When to use: Where an existing outfitter, agency, or IOGLB requests an amendment for a change in licensed operating area, licensed or permitted activities, business operations, or a redistribution of operating area (i.e. boundary adjustment). This exhibit also applies to incidental amendments and one-time controlled hunts.

Estimated processing time: Generally this process may take 12 to 18 months to complete barring unusual factors.

Note: All IOGLB forms referenced below can be found on IOGLB's website at www.oglb.idaho.gov.

Step	Action
1	<p>An existing outfitter requesting a change in operating area, activities, business operations, or a redistribution of operating area (i.e. boundary adjustment) is initiated by the outfitter submitting an <i>Applicant's Letter of Intent form</i> (OG-21) to IOGLB.</p> <p>When the USFS or BLM receives a written proposal from an existing outfitter requesting a change in operating area, activities, business operations, or a redistribution of operating area (i.e. boundary adjustment), initial screening is completed and a preliminary <i>Land Manager's Statement</i> (OG-6) will be sent to IOGLB with complete proposal.</p> <p><u>Note:</u> Individual amendment proposals from an existing outfitter requesting a change in operating area, activities, business operations, or a redistribution of operating area (i.e. boundary adjustment) may initiate the need for competitive application and a public application process.</p>
2	<p>When a proposal with a completed preliminary <i>Land Manager's Statement</i> (OG-6) is received by the IOGLB, the IOGLB's Executive Director or designee will contact the agency representative to discuss the process for analyzing the specific case as necessary.</p> <p>If the proposal does not have the necessary information, the IOGLB will respond with a letter to the outfitter with a copy to the applicable permit administrator(s) explaining the circumstances and with a time limitation for information to be provided before the proposal is rejected as incomplete. In that event, the IOGLB issues <i>Letter of Intended Action Form</i> (OG-22) explaining its decision with copies to the outfitter and to the USFS, BLM.</p> <p>Notification and agreement on the process should generally be accomplished within 30 – 60 days of receipt or identification of the opportunity.</p>

3	<p>If the USFS or BLM determines the proposal is not in conformance with law, regulation, policy or management direction, the agencies will notify IOGLB of this determination with the completed <i>Land Manager's Statement</i> (OG-6) with an explanation.</p> <p>If IOGLB determines the proposal is not in conformance with law, regulation, policy or management direction, the IOGLB will notify the appropriate agency of this determination.</p> <p>If the USFS, BLM or IOGLB determines the proposal is acceptable, the agency will then proceed with initiating the NEPA requirements.</p> <ol style="list-style-type: none"> 1) If the USFS, BLM or IOGLB determines the proposal warrants competitive applications, then use steps outlined in Exhibit 2. 2) If the USFS, BLM or IOGLB determines that the proposal is non-competitive, then proceed to step 4.
4	<p>The USFS and BLM will conduct scoping. Include adjacent outfitters in the scoping effort. Include the IDFG in scoping that potentially affects fish and wildlife resources. The USFS or BLM reviews public comments and internal concerns to determine the issues identified. The authorized officer determines the appropriate environmental documentation. Scoping information and the selected level of environmental analysis will be shared with IOGLB. At a minimum this will include public comments (i.e. IDFG and Outfitters) and internal concerns, if any.</p> <p><u>Note:</u> Assessments of tag allocations between IOGLB and IDFG will occur during this step.</p>
5	<p>The USFS or BLM conducts any required consultation with regulatory agencies. The USFS or BLM completes the environmental analysis and the authorized officer documents the decision in the appropriate environmental documentation.</p> <ol style="list-style-type: none"> 1) If the analysis determines the proposed activity will not be authorized, the authorized officer will offer to discuss with the IOGLB the basis for the decision. The party making the proposal will be formally notified by the IOGLB regarding the decision. 2) If the analysis determines the proposed activity will be authorized, the authorized officer notifies the IOGLB of the selected alternative. A joint review session is scheduled, if necessary, to determine the elements of the prospectus. <p><u>Note:</u> Step 5 is also the process followed when an existing USFS or BLM permit is being considered for re-issuance (see Exhibit 3).</p>
6	<p>The USFS or BLM completes the <i>Land Manager's Statement</i> (OG-6) and forwards it to the IOGLB, indicating the intent to issue a permit.</p>
7	<p><i>Letter of Intended Action Form</i> (OG-22) explaining its joint decision with the USFS and BLM with copies to the USFS, BLM to the outfitter.</p>

If the decision is to move forward, IOGLB shall amend the applicant's license and the USFS or BLM will either issue a new or an amended USFS Special Use Permit or a BLM Special Recreation Permit.

The permit/amendment and license are issued as soon as all required applicant submittals are on file.

EXHIBIT 4.2

One-Time Authorization for a Controlled Hunt Out of an Outfitter's Licensed Area

When to use: An outfitter wishing to conduct a controlled hunt outside his licensed area with a client with a controlled hunt permit must, by state law, be licensed to hunt sheep, goat, moose or antelope. Historically, one time controlled hunts outside his licensed area for other species such as elk and deer have not been allowed by the Board; however, on a case by case basis an exception may be considered for hunters with physical limitations when the requested area is not licensed to another outfitter.

No compensation or remuneration shall be permitted between outfitters participating in the conduct of a controlled hunt on another outfitter's area, unless the outfitter supplies a service for that compensation.

Note: All IOGLB forms referenced below can be found on IOGLB's website at www.oglb.idaho.gov.

Step	Action
1	<p>When the IOGLB receives a completed <i>Request and Authorization Form for a One-Time Controlled Hunt Out of His Licensed Area (OG-23.1) Form</i>, it must include:</p> <ol style="list-style-type: none"> 1) Written permission from all outfitters whose licensed area(s) will be directly involved in the hunt; 2) Written permission from all applicable landowners or land managers; 3) The hunter name and address, hunting license, tag and permit numbers, controlled hunt number, and dates of hunt. 4) Submit a minor amendment fee. <p><u>Note:</u> If the one-time controlled hunt is requested for additional years refer to Exhibit 3.</p>
2	<p>When the USFS or BLM receives a <i>Request and Authorization Form for a One-Time Controlled Hunt Out of His Licensed Area (OG-23.1) Form</i> from an eligible existing outfitter for one time controlled hunt, screening is completed and <i>Request and Authorization Form for a One-Time Controlled Hunt Out of His Licensed Area (OG-23.1)</i> will be sent to IOGLB, marked Approved or Denied.</p> <p>If the USFS or BLM determines the proposal is of concern, the IOGLB's Executive Director or designee will be contacted by the Authorizing Officer to discuss the process for analyzing the specific case as necessary.</p> <p>If the USFS or BLM determines the proposal is not in conformance with law, regulation, policy or management direction, or requires scoping, the agencies will notify IOGLB of this determination with the completed <i>Request and Authorization Form for a One-Time Controlled Hunt Out of His Licensed Area (OG-23.1)</i> with an explanation.</p> <p><u>Note:</u> If the request involves a currently non-permitted / non-licensed area, a decision to move forward is made by the Board in consultation with the respective Authorizing Officer with input from the IDFG, when appropriate.</p>

	<p>It is important to point out that these hunts are applied for by members of the public who participate in a random drawing. If they're drawn for the hunt, doing so is a once in a life time opportunity. It is their initiative in which, they seek the services of an outfitter to assist them in these unique hunts. It is also important to point out because this serves individual persons who are drawn at random for an existing public hunt opportunity; additional scoping or analysis by a federal agency is rarely needed.</p>
<p>3</p>	<p>If IOGLB determines the proposal is of concern, the IOGLB's Executive Director or designee will contact the Authorizing Officer to discuss the process for analyzing the specific case as necessary</p> <p>Upon approval IOGLB's Executive Director will issue a <i>Request and Authorization Form for a One-Time Controlled Hunt Out of His Licensed Area</i> (OG-23.1) authorizing the one-time hunt. This notification will include the name and address of the hunter(s), controlled hunt number, hunter(s) license, tag and permit numbers with copies provided to requesting outfitter and to the USFS/BLM permit administrators.</p> <p>If IOGLB determines the proposal is not in conformance with law, regulation, policy or management direction, the IOGLB will notify the appropriate agency of this determination with copies provided to all outfitters as applicable.</p> <p><u>Note:</u> Timing is often an issue due to these tags being awarded in late May and the hunts begin in late August and running through the month of September. Generally, this process may take 1 month to complete barring unusual factors.</p>

EXHIBIT 4.3

Hot Pursuit of Bear and Cougar with Hounds Out of an Outfitter's Licensed Area

When to use: An outfitter wishing to conduct a enter into an adjacent area with a client for hot pursuit of bear or cougar hunting when hunting with hounds may negotiate agreements with adjoining outfitters for that purpose.

Note: All IOGLB forms referenced below can be found on IOGLB's website at www.oglb.idaho.gov.

Step	Action
1	<p>When the IOGLB receives a completed <i>Request and Authorization for Hot Pursuit of Bear and Cougar with Hounds - Out of His Licensed Area (OG-23.3 Form)</i>, it must include:</p> <ol style="list-style-type: none">1) Written permission from all outfitters whose licensed area(s) will be directly involved in the hunt;2) Written permission from all applicable landowners or land managers;3) A minor amendment fee. <p><u>Note:</u> The requesting outfitter must be licensed to hunt bear or cougar in an area adjoining the area in which the hopes to enter. The hunt must be conducted using hounds and may not be started outside of the outfitter's licensed area. Hot pursuit outside his licensed area for other species is not allowed by the Board.</p> <p>No compensation or remuneration shall be permitted between outfitters participating in the agreement, unless the outfitter supplies a service for that compensation.</p>
2	<p>When the USFS or BLM receives a <i>Request and Authorization for Hot Pursuit of Bear and Cougar with Hounds - Out of His Licensed Area (OG-23.3)</i> from an eligible existing outfitter for a hot pursuit agreement, screening is completed and <i>Request and Authorization for Hot Pursuit of Bear and Cougar with Hounds - Request and Authorization for Hot Pursuit of Bear and Cougar with Hounds - Out of His Licensed Area (OG-23.3)</i> will be sent to IOGLB, marked Approved or Denied.</p> <p>If the USFS or BLM determines the proposal is of concern, the IOGLB's Executive Director or designee will be contacted by the agency representative to discuss the process for analyzing the specific case as necessary</p> <p>If the USFS or BLM determines the proposal is not in conformance with law, regulation, policy or management direction, or requires scoping the agencies will notify IOGLB of this determination with the completed <i>Request and Authorization for Hot Pursuit of Bear and Cougar with Hounds - Out of His Licensed Area (OG-23.3)</i> with an explanation.</p> <p><u>Note:</u> Such agreements constitute a minor amendment. A copy of the amended agreement must be filed with the Board annually.</p>

3

If IOGLB determines the proposal is of concern, the IOGLB's Executive Director or designee will contact the Authorizing Officer to discuss the process for analyzing the specific case as necessary

Upon approval IOGLB's Executive Director will issue a *Request and Authorization for Hot Pursuit of Bear and Cougar with Hounds - Out of His Licensed Area* (OG-23.3) authorizing the season of use with copies provided to the requesting outfitter and to the USFS/BLM permit administrators.

If IOGLB determines the proposal is not in conformance with law, regulation, policy or management direction, the IOGLB will notify the appropriate agency of this determination with copies provided to all outfitters.

Note: If the request involves a currently non-permitted / non-licensed area, moving forward is at the discretion of the Authorizing Officer.

EXHIBIT 4.4

Guidelines for Reductions To a Licensed Operating Area or Licensed Activities Proposed by an Agency

Idaho continues to be one of few states that offer outfitters unique land based operating areas where only an individual outfitter can provide hunting and other recreational services. Doing this often involves more than one licensed area and often where more than more than one state or federal permitting agency must provide authorization in a given area. As such, IOGLB determines an outfitter's licensed area(s) and activities in them. Given federal agencies requirements to permit an outfitter to operate in a given area and due to an outfitter's due process rights, IOGLB cannot simply change an outfitter's operating area or activities without some level of coordination and authorization as spelled out below.

In the past all operating area and activity changes required an outfitter to submit a major amendment as explained in exhibit #4 but often they did not follow through nor did the agency. As a result of the Salmon Challis NF initiative IOGLB has created a new *Acknowledgement of Adjustment Initiated by Agency Form* (OG-14.1) to document changes to an outfitter operating areas and the elimination of certain activities being initiated by an a federal agency such as during the reissuance of the outfitter's federal permit. This form has evolved in order to document the changes being made as the result of Federal Agency's initiative well as the outfitter's acknowledgement.

This form must be signed by all appropriate agency authorizing officers and the outfitter and provided to IOGLB with a letter of explanation from the agency, updated operating area description(s) and a hard copy map of the operating areas being changed for IOGLB along with an applicable shape file that IOGLB would send to the Idaho Department of Fish and Game who will update the Outfitter's area maps on the IOGLB's website.

This form is to be used for proposals to reduce or remove areas from the outfitter's state license. Proposals to add or expand areas or activities would be addressed by following requirements in Exhibit #3.

Note: All IOGLB forms referenced below can be found on IOGLB's website at www.oglb.idaho.gov.

EXHIBIT 5

Outfitter-Guide Performance Rating Guidelines

This performance rating is generally completed annually for each outfitter. It is supported with documentation of performance during the use period, such as camp inspections, letters, or reports.

Rating Categories and Standards

- 1) Service to Public - This rating is based on the Outfitter or Guide's professional interaction in relation to the permitted activity with clients, other permittees, USFS and/or BLM, community, and noncommercial visitors. This includes, but is not limited to, operating in a professional and businesslike manner, providing emergency assistance when appropriate, showing courtesy to other user groups, gaining permission in writing from private landowners for use of their land in conjunction with the permitted operation and providing rates, services, and accommodations to guests as represented. All complaints are evaluated to determine if they are legitimate.
- 2) The IOGLB evaluates service and client complaints and shares with the agencies. The rating in this category is coordinated with the IOGLB according to the current Memorandum of Understanding (MOU) and supporting policy.
- 3) Compliance with Permit Conditions - The permittee's compliance with all permit clauses and the conditions of other applicable permits is reviewed and an appropriate rating assigned. The review includes analysis of: 1) fee payment, 2) insurance, 3) advertising, 4) Title VI compliance, 5) use records, 6) compliance with laws and regulations, 7) minimum use requirements, 8) accurate and adequate records for audit, 9) third party restrictions, and 10) other permit provisions.
- 4) Compliance with Agency Operating Plan - All elements of the agency operating plan will be reviewed including such items as: 1) following the itinerary and schedules, 2) party size, 3) actual vs. permitted use, 4) Minimum Impact ethic, 5) confirmations or cancellations, 6) adequate and accurate fee information, 7) camp requirements, and 8) other provisions.
- 5) Equipment - This rating is based on the type and quality of equipment used to ensure a safe trip. Equipment and stock are as advertised, maintained in good, safe condition and adequate for the purpose. Boats, vehicles or aircraft are licensed, identified, and certified when required. Coordination occurs with other agencies, such as the Coast Guard or the IOGLB, as appropriate.
- 6) Safety - This rating is based on the permittee's safety record and exhibited concern for the safety of guests, employees and the general public. Considerations include review of: 1) handling of emergencies, 2) safety procedures followed, 3) first aid supplies available as required by the State of Idaho Outfitter and Guide Rules, 4) accident record, 5) safety equipment adequacy, availability and use, 6) compliance with safety standards for the activity, and 7) responsible and safe conduct of activities. As appropriate, the permittee coordinates with the Coast Guard or the IOGLB according to the current MOU and supporting policy.
- 7) Resource Protection - This rating is based on the permittee's use and care of campsites, sanitation procedures for human waste and garbage, protection of cultural resources,

compliance with fire regulations, compliance with fish and game regulations, and protection of other natural resources. Since clients are the direct responsibility of the permittee, their actions while on a scheduled trip also influence the rating.

- 8) Major Incidents - Each major incident involving the conduct of permitted activities is reviewed and rated individually. It is described in detail on attachments to the rating form. Types of incidents which fall into this category include, but are not limited to boating accidents involving one or more boats, injury or death to guests or employees, recurrent or flagrant violation of fish and game laws and regulations, reckless operation of equipment, confrontations with other users, and other serious violation of permit conditions or law. Agencies will coordinate with the IOGLB according to the current MOU and supporting policy. Major incidents are reported to the IOGLB, Idaho Department of Fish and Game, Coast Guard, local Sheriff, USFS or other involved cooperating agencies as soon as possible. These agencies are encouraged to cooperate in any investigation and avoid duplication of effort.

Rating System

Process – A rating is assigned to each category based on the permittee's overall performance in relation to the various considerations listed under those categories. A summary rating is assigned, considering the individual category ratings and the respective importance to overall performance.

A probationary or unacceptable rating in any one category does not necessarily require a summary rating of probationary or unacceptable.

The following levels of summary performance are recognized. Agencies may use additional rating categories at their discretion and are encouraged to provide additional narrative discussion.

- 1) Acceptable - Performance is satisfactory and meets at least minimum established standards for the permitted activities. This includes some minor deficiencies that need correction. If these deficiencies persist after notification or are not corrected in a reasonable time period, they may result in a probationary or unacceptable rating. Weak areas needing attention or especially strong areas are documented on the rating form or attachments.
- 2) Probationary - Performance is less than acceptable for major incidents applicable to the permitted activity. Performance does not pose an immediate threat to the safety of guests or others, is not in violation of law, and does not pose a threat of significant resource damage. However, corrective action by the permittee is mandatory, and continued operation at this level of performance is unacceptable. The basis for the rating is clearly documented on the rating form or attachments.

A permittee who is given a summary performance rating of probationary will be issued a Letter of Probation and may have all or parts of their permit suspended. If a permittee does not take corrective action to bring the operation to an acceptable level within the time period specified by the authorized officer the permit may be suspended or revoked.

- 3) Unacceptable - Performance is clearly unacceptable for one or more major incidents applicable to the permitted activity and is not allowed to continue. This level of performance poses a threat to the safety of guests or others, involves a serious violation of law or poses a threat of significant resource damage. The basis for this rating will be clearly documented on the rating forms or attachments.

Failure to obtain necessary licenses or registrations, recurrent or serious violations of fish and game or outfitter and guide laws and regulations or permit requirements in conjunction with permitted activities, failure to pay fees, failure to comply with permit requirements for insurance, failure to meet minimum requirements established for utilization of permit privileges, falsification of records, or utilization of third party agreements will result in an unacceptable rating.

A summary performance rating of unacceptable will result in suspension or revocation of the permit as appropriate to the circumstances as determined by the authorized officer.

The authorized officer notifies the permittee when a probationary or unacceptable summary performance rating is considered and offers the permittee an opportunity to meet with the authorized officer before finalizing the rating. To the extent allowed by law and regulation, ratings are confidential between the agency and the permittee, except that ratings are coordinated as necessary with other responsible regulating state and federal agencies.

The IOGLB will advise the appropriate authorized officer of performance or operational matters that are violations of state outfitter and guides laws as appropriate. The authorized officer contacts the IOGLB whenever a rating of other than acceptable is anticipated. The authorized officer may request written comments from the IOGLB before issuing a probationary or unacceptable rating.

Appeals

Forest Service – 36 CFR 214.4 Decisions that are Appealable, Section (c)(4): “Assignment of a performance rating that affects reissuance or extension of a special use”. The authorized officer must receive appeals within 45 days from the date of the decision. This time period may not be extended.

BLM - Decisions made by a BLM authorized officer are protested to the authorized officer and are appealed to the Interior Board of Land Appeals pursuant to 43 CFR, Part 4. The authorized officer must receive protests within 15 days of the receipt of the decision. The authorized officer must receive appeals within 30 days of receipt of the decision. Within 30 days after filing the notice of appeal with the authorized officer, the appellant must file a complete statement of reasons for the appeal with the Interior Board of Land Appeals and provide a copy to the Regional Solicitor.

Outfitter-Guide Performance Rating Form
(v. 06/2016)

Permit Holder:			
National Forest:		District:	
Evaluation Period From:		To:	
Type of Operations:			
Locations:			
Dates of Field Inspections:			
Field Inspectors:			
Camps in Operation During Inspection:		Yes	No
Holder Representative present during inspections:			
This evaluation is:	Midseason:	Final:	
<small>Checks in the boxes and comments must be based on factual objective information observed by inspectors and/or verified through investigations.</small> <u>Outstanding performances should be noted in comments.</u>		A = Fully Acceptable NI = Needs Improvement U = Unacceptable	NC = Not Checked NA = Not Applicable

A. SERVICE TO PUBLIC	A	NI	U	NC	NA
1. Rates, service and accommodations provided are represented fairly in advertising and brochures					
2. Holder shows courtesy to non-outfitted public.					
3. Operations properly coordinated with other landowners and permit holders, if required.					
4. Compliance with requirements of Title VI of the Civil Rights Act. Identified as an EEO provider					
5. Clients received educational and interpretive information about the area and its values.					
6: Appropriate and courteous interactions with all public users.					
Comments:					

B. COMPLIANCE WITH PERMIT CONDITIONS	A	NI	U	NC	NA
1. Application, certificate of insurance, signing of permit and payments submitted on time and properly completed.					
2. Use reports submitted accurately and on time.					
3. Compliance with Federal, State, and County laws and regulations as required by permit.					
4. Compliance with other terms and conditions of the permit.					
5. Compliance with advertising policies in all media forms					
Comments:					

C. COMPLIANCE WITH OPERATING PLAN	A	NI	U	NC	NA
1. Holder participation in operating plan preparation.					
2. Holder's employees knowledgeable of operating plan contents.					
3. Adherence to operating plan, schedules, itineraries, notification of changes.					
4. Adherence to camp management plans, permitted facilities, use of site(s).					
Comments:					

D. EQUIPMENT/LIVESTOCK	A	NI	U	NC	NA
1. Equipment provided as advertised.					
2. Equipment safe and well maintained.					
3. Boats, aircraft, or vehicles licensed or certified when required.					
4. Livestock treated properly and humanely.					
5. Stock properly contained to protect natural and social resources.					
Comments:					

E. SAFETY:	A	NI	U	NC	NA
1. Holder exhibits a concern for health and safety of guests, employees, and general public.					
2. Staff current with first aid and knowledgeable of safety procedures.					
3. Guests receive a safety orientation to the operation.					
Comments:					

F. RESOURCE PROTECTION	A	NI	U	NC	NA
1. Holder uses minimum impact techniques.					
2. Operation neat and orderly.					
3. Compliance with fire regulations, Fish and Game regulations, protection of biological, physical, and social resources, including cultural resources.					
4. Following appropriate procedures for human waste management and garbage.					
5. Protection of threatened and endangered species.					
Comments:					

G. MAJOR INCIDENTS	A	NI	U	NC	NA
This category relates to handling of unusual incidents, accidents, significant resource damage, serious violation of law, or confrontations. Describe in separate attachments to this form.					

Comments:

Special efforts worthy of commendation:

Prior performance deficiencies, if any, corrected:

OVERALL RATING:	Acceptable		Probationary		Unacceptable	
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Outfitter-Guide Licensing Board notified, if required? Date:

Board Comments Attached: YES/ NO

This performance rating constitutes a decision which is subject to appeal pursuant to Secretary of Agriculture Regulation 36 CFR 214.4. Any such appeal and a statement of reasons must be submitted within 45 days of the date of this rating to the Forest Service Official next higher to the authorized officer.

Signatures:

Authorized Officer:		Date:	
Title:			

Permit Holder:		Date:	
Title:			

Holders Comments:

The permit holder's signature acknowledges receipt and review of the rating, not necessarily agreement. Ratings are confidential between the Forest Service and the holder to the extent allowed by law and regulation.

ATTACHMENT 1:
Preliminary Outfitter Operating Proposal

All new outfitters are required to submit a detailed proposed operating plan along with their license application in sufficient detail to identify how they propose to conduct their outfitting business.

This preliminary proposal enables the IOGLB and permitting federal agencies to evaluate the outfitter's intended operation and business plan.

As a minimum the operating proposal shall include the following:

- 1) A list of the activities to be conducted in the operating area(s) requested and any pertinent experience and qualifications.
- 2) A detailed map showing the operating area(s) requested for each activity and a description of the boundaries of said operating area(s), described in terms of rivers, creeks, and ridges with prominent reference coordinates (section, township, and range).
- 3) An outfitter whose operation is solely on rivers, streams, lakes or reservoirs should specify put-in and take-out points.
- 4) A detailed description of how and when each operating area(s) will be used for each activity.
- 5) The proposed number of guests intended to be accommodated for each activity within the proposed operating area(s).
- 6) A list of the names and locations of camps that will be used for each activity, and whether on public or private land.
- 7) A list of the basic equipment, facilities, and livestock, and proof of financial capability necessary to conduct the proposed outfitted activity or business.
- 8) The number, title (guide, lead guide, etc.), and principal activities of individuals to be employed in the business operation.
- 9) A plan to assure the safety and provide for emergency medical care of guests.

ATTACHMENT 2
Optional Joint Selection Process
Application Section Process and Evaluation Procedure for
Outfitting Opportunities Prospectus

Evaluation Instructions for Outfitter Prospectus

Outfitter applications in response to a prospectus will be provided and reviewed by a panel of Board members and often agency representatives during a scheduled Board meeting.

The Board will go into executive session to review and score the applications in private. The reason this is done is to protect the privacy of the individual applicants.

The panel members should all review the same application at the same time and could discuss each application and its relation to individual criteria listed on the Prospectus Evaluation Sheet for Individual Applications. Panelists can participate via conference call.

The individual panel members using the Prospectus Evaluation Sheet for Individual Applications will score each applicant based the score's assessment of the adequacy of the applicant's response to the individual criteria as follows:

Point Range	Scoring
0-2	Inadequate – Does answer question or is ambiguous
3-4	Marginally - Does not clearly address question or explanation leads review to think, licensing this outfitter may lead to problems
5-6	Adequate
7-8	Exceptional – Answer shows good understanding of questions and of license/permit requirements.
9-10	Outstanding

These individual ratings will not be retained as part of the permanent selection file.

After all panel members have evaluated and score criteria for each application, a group rating for each of the criteria will be established. This will be done by providing individual totals to the Panel Secretary who will enter them into a prepared Prospectus Total Score Sheet.

If disparate ratings exist, the panel members can discuss and/or clarify related matters and can change their individual scores on the Prospectus Total Score Sheet. An average of the individual ratings could be discussed and where the panel arrives at consensus. When the panel determines the scores are final, the Prospectus Total Score Sheet will be retained as part of the permanent selection file.

Determining the successful applicants is done by comparing the overall score.

After doing this, if more than one license opportunity exists the panel would review the scores and determine which applicant would fill the license opportunity. Also, if the panel determines the applicants are close in the scoring, they can decide to interview them which would be scheduled and done at a later Board meeting.

The successful applicant will be notified that they must complete a final licensing or permit requirements.

Evaluation Criteria

- 1) Operating Plan: The applicant must supply a detailed operating plan as indicated on the appropriate forms OG — 7 Master, OG- 7.1 Boating Supplemental or OG- 7.1 Land Supplemental.

Note: Information provided on these forms and other required application forms must clearly address the following:

- 2) Outfitting Experience: The selected applicant should have successful experience in the operation of a similar business or related enterprise:
 - a. Does the applicant have previous experience?
 - b. Is the applicant presently licensed and how will the new activity/area complement existing business please explain?
 - c. What knowledge does the applicant have of the operating area?
 - d. How well does the applicant demonstrate the ability to provide outfitting services in the specific activity and area requested?
- 3) Equipment and Staff to Operate:
 - a. Does the applicant have the necessary equipment for a successful operation?
 - b. Does the applicant have the necessary personnel to operate?
- 4) Operational Practices:
 - a. What is the applicant's planned client to guide ratio?
 - b. What equipment will the applicant provide and what equipment will the client provide?
 - c. How will the applicant provide for guide/client safety?
 - d. How will potable water be provided?
 - e. Describe how what you are applying for in this prospectus will economically benefit your outfitter business
 - f. Describe how what you are applying for in this prospectus will economically benefit the community.
- 5) Quality of Service:
 - a. Describe the hiring and booking practices you will use to provide equal employment and client opportunities.
 - b. What provisions can be made to accommodate disabled clients?
- 6) Resource Protection:
 - a. How will trash be disposed of?
 - b. How will human waste be addressed?
 - c. How will protection of streamside soils and vegetation be addressed?
- 7) Financial Plan: Financial statements are secured in confidence and are not public information.