



# Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised May 2018

## 1. General Information

a. Agency/Board Name* Board of Outfitters and Professional Guides		
b. Agency/Board Address 1950 Bluegrass Cir. Suite 280	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison Amanda McKee		f. Agency Liaison Telephone Number 307-635-2723
g. Agency Liaison Email Address amanda.mckee@wyo.gov		
h. Date of Public Notice 09/20/2018	i. Comment Period End Date November 9, 2018	
j. Public Comment URL or Email Address: amanda.mckee@wyo.gov		
k. Program Board of Outfitters and Professional Guides		

\*  By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

**2. Legislative Enactment** For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Chapter Numbers and Years Enacted (eg: 2015 Session Laws Chapter 154):

## 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
2	Licensing Provisions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	License fees	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

#### 4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

#### 5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

#### 6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: \_\_\_\_\_

Not Applicable.

## 7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_  
(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_  
(Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

## 8. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual

Amanda McKee

Title of Authorized Individual

Administrator

Date of Authorization

9-20-18

WYOMING BOARD OF OUTFITTERS AND PROFESSIONAL GUIDES  
RULES AND REGULATIONS  
STATEMENT OF PRINCIPAL REASONS

September 10, 2018

The following proposed rule changes are an attempt to clean up Chapter 2 and Chapter 5 with clarifications to better regulate the industry.

1. Chapter 2 Section 1 (e) – Amending current requirement of applicant(s) to have and pass an equipment inspection.
2. Chapter 2 Section 1 (i) – Removal of allowing new applicants to submit a letter of reference.
3. Chapter 2 Section 1 (j) (iii) – Adding that a new applicant must attend the training class prior to meeting with the Board.
4. Chapter 2 Section 2 (c) – Removed this subsection regarding examination time limit.
5. Chapter 2 Section 3 (a) – Removing the requirement for notary on the Annual Report.
6. Chapter 2 Section 3 (b) – Changing verbiage from “hand delivered” to “received”.
7. Chapter 2 Section 4 (a) – Changing the due date of outfitter renewal applications from December 31 to December 1 to allow a grace period prior to the December 31 expiration of outfitter licenses.
8. Chapter 2 Section 4 (a) - Removing “hand delivered” and adding “received”.
9. Chapter 5 (b) (i) – Adding clarification to new outfitter applicant fees.
10. Chapter 5 (b) (ii) – Adding clarification to new professional guide fees.

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## CHAPTER 2

### LICENSING PROVISIONS

**Section 1.** Application for and Issuance of New Outfitter Licenses and Area Authorization.

(a) Any qualified person desiring to be a licensed outfitter shall make application for an outfitter license on forms provided by the Board (Application and Operation Plan). The application shall be completed by the applicant and returned to the Board, together with the new applicant fee. The study material for the exam will then be mailed to the applicant. The new applicant fee, as set by the Board, is non-refundable. The application and new applicant fee shall be valid for one (1) year from date of receipt.

(b) Applicants shall indicate the hunt area(s) in which they intend to operate and shall provide all information as required on the Operation Plan. Outfitters shall only operate in those areas approved by the Board on the Operation Plan, except as provided in paragraph (f) of this section.

(c) Applicants shall submit a letter of intent from an insurance company indicating they will insure the applicant if a license is approved. Insurance must be effective during the entire licensing period. If insurance is not in effect, the license is immediately void.

(d) Prior to final approval of an outfitter license, the applicant shall secure written endorsement from the public land agency, private landowner, owner's agent or lessor on a form provided by the Board for the areas shown on the Operation Plan. A "Surface Management Status Map" shall be submitted showing all intended areas of operation for any private lands requested on the private land form. All written records of applicants involving landowner or lease permission shall remain confidential.

(e) All applicants shall appear in person before the Board, unless this requirement is waived by the Board. ~~The Board may, at its discretion, require an~~ All applicants to pass ~~must pass~~ an equipment inspection before the approved license is issued, ~~unless this requirement is postponed by the Board for good cause. If the Board postpones the inspection requirement for good cause and an approved license is issued, the inspection shall take place at the earliest time possible, as determined by the Board, following issuance of the approved license. If the applicant does not pass the inspection at this time, the license is immediately void.~~

(f) Licensed outfitters may apply for additional area authorizations by submitting the proper Supplemental Area Request form and amended Operating Plan to the Board or a letter of intent from the controlling public land agency, private landowner,

owner's agent or lessor that indicates the species and areas where the licensee may operate.

(g) The Board shall retain final authority regarding license issuance and area authorization. The Board may restrict the species and the area where an applicant may outfit hunting clients based upon sound game and land use management principles and purposes based upon recommendations by the commission.

(h) All outfitter licenses shall be issued in the name of the outfitter.

(i) An applicant for a new outfitters license shall have experience as a licensed professional guide for not less than one (1) year or have other training, experience or education applicable to outfitting and acceptable to the Board. The applicant ~~may submit a letter of reference from a licensed outfitter and~~ shall demonstrate knowledge of the area(s) for which application is made.

(i) Seventy (70) days in the field guiding hunters as a licensed professional guide equals one (1) year experience.

(j) All applicants for a new outfitters license shall:

(i) Be certified in first aid and submit a copy of their current and valid first aid certification card with the original application;

(ii) If born on or after January 1, 1966 possess a certificate of competence and safety in the use and handling of firearms (hunter safety card) and submit a copy of their hunter safety card with the original application; and

(iii) Attend the outfitter training course provided by the Board prior to meeting with the Board for approval.

(k) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal wildlife, game or fish law or regulation.

(l) No license approved by the Board shall be issued unless the proper license fee and proof of insurance are received in the Board office within sixty (60) days of the date of approval.

(m) No license will be considered for approval by the Board until all licensing requirements have been met.

## **Section 2.** New Outfitter Applicant Examination.

(a) New applicants for outfitter licenses shall be given written examination to test the applicant's knowledge of the Act, Board rules, Game & Fish laws, Forest Service and BLM outfitting and land use policies, first aid, other general hunting/outdoor skills, habits of game sought, hunting techniques, care of meat and trophies and applicable firearm laws.

(b) A written examination for a new outfitter license applicant for a current year shall be given as needed January through June. The examination shall be given as needed between July and December for the following calendar year. Applicants shall make an appointment to take the examination no less than fourteen (14) days in advance. The examination shall be a closed book test and administered in the Board office, unless otherwise authorized by the Board. Passing the examination will constitute receiving a score of at least seventy-five percent (75%). Any person failing to pass the examination may be given another examination after thirty (30) consecutive days. Upon receiving a passing score, the exam shall be valid for one (1) year from the date taken.

~~——(c) An applicant who fails the examination twice in a calendar year shall not be eligible to retake the examination without completion and submission of the new applicant application, operation plan and new applicant fee.~~

### **Section 3. Outfitters to Submit Required Outfitter Annual Report.**

(a) Each licensed outfitter shall submit an Outfitter's Annual Report (report) on the form provided by the Board covering the calendar year for which the license was valid. The reported information shall be legible, accurate and complete, ~~completed and sworn before a notary public.~~

(b) Each report shall be post-marked no later than January 31 of the subsequent year for which the report is being filed. Any report post-marked or ~~hand delivered~~ received after that date is untimely, and any associated renewal application that was submitted shall be treated as a first time applicant.

(c) The U.S. Postal Service or any other mail delivery service providers are not agents of the Board. Therefore, the Board cannot assume responsibility for mail delivery to the Board. It is the applicant's responsibility to assure the delivery of required reports to the Board office in a timely manner.

### **Section 4. Renewal of Outfitter Licenses.**

(a) Outfitter licenses expire on December 31 of the year issued per W.S. 23-2-414(b). ~~Therefore, o~~ Outfitter renewal applications are due on December 1 of each year. ~~shall be post marked no later than December 31 of each year.~~ Any application post-marked or ~~hand delivered~~ received after ~~date~~ December 31 shall be treated as a first time applicant.

(b) An outfitter license may be renewed and the same license number retained for the next license year if the applicant is not applying for additional area(s) or services upon submission of the following by December 31 prior to the year for which a license is being renewed:

- (i) A completed outfitter license renewal application form;
- (ii) An original and current Certificate of Insurance if one is not on file;
- (iii) The outfitter license fee as set by the Board.

(c) No license will be considered for renewal by the Board until all licensing requirements have been met.

(d) The U.S. Postal Service or any other mail delivery service providers are not agents of the Board. Therefore, the Board cannot assume responsibility for mail delivery to the Board. It is the applicant's responsibility to assure the delivery of an application to the Board office in a timely manner.

**Section 5. Application for and Issuance of Professional Guide Licenses.**

(a) Any qualified person desiring to operate as a professional guide may make application for a professional guide license on the form provided by the Board.

(b) The application shall be completed by the applicant and returned to the Board together with the annual license fee as set by the Board.

(c) All applicants for a professional guide license shall:

(i) Be certified in first aid and submit a copy of their valid first aid certification card with the application; and

(ii) If born on or after January 1, 1966, a professional guide must possess a certificate of competence and safety in the use and handling of firearms (hunter safety card) and submit a copy of their hunter safety card with the application, if one is not on file.

(d) When an applicant applies for a professional guide license during the hunting season and good cause is shown, the requirements in Section 5 (c) may be waived by the Board. No guide shall receive more than one (1) waiver.

(e) An applicant may receive only one (1) fourteen (14) day permit in any twelve (12) month period.



- (f) A professional guide license issued by the Board is valid if:
- (i) The professional guide is employed or contracted by a licensed outfitter;
  - (ii) Signed on the back by the employing or contracting outfitter, including the outfitter's license number and the date(s) that the licensee is employed by or operating under an independent contract with the licensed outfitter; and
  - (iii) It is the original license or is a facsimile or emailed copy, properly signed.
- (g) Professional guides covered under liability insurance of a licensed outfitter shall not be required to furnish a separate certificate of insurance.
- (h) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal wildlife, game and fish law, or regulation.

**Section 6. New Professional Guides Examination.**

- (a) New applicants for a professional guide licenses shall be given an open book, written examination prior to issuance of the license. The examination shall test the applicant's knowledge of the Act, Board rules, Game and Fish laws, Forest Service and BLM land use policies, first aid, other general hunting/outdoor skills, habits of game sought, hunting techniques, care of meat and trophies and applicable firearm laws.
- (b) Passing the examination will constitute receiving a score of at least seventy-five percent (75%). Any person failing to pass an examination may be given another examination after thirty (30) days. Upon receiving a passing score, the exam shall be valid for one (1) year from the date taken.
- (c) An applicant who fails the examination twice in a calendar year shall not be eligible to retake the examination without completion and submission of the new professional guide application, examination, license fee and new applicant fee.

**Section 7. Renewal of Professional Guide Licenses.**

- (a) Professional Guide licenses expire on December 31 of the year issued per W.S. 23-2-414(b). A renewal filed after December 31 is not timely filed for purposes of W.S. 16-3-113(b). However, Professional Guides licensed in either of the prior two (2) calendar years may submit a renewal application and are exempt from taking the exam and paying the new application fee as required for first time applicants. A professional guide license may be renewed upon submission of the following:

(i) A completed professional guide application.

(ii) The annual professional guide license fee as set by the Board under Chapter 5, Section 1 and pursuant to W.S. 33-1-201.

(b) The U.S. Postal Service or any other mail delivery service providers are not agents of the Board. Therefore, the Board cannot assume responsibility for mail delivery to the Board. It is the applicant's responsibility to assure the delivery of an application to the Board office in a timely manner.

**Section 8.** Proof of Licensure Required.

(a) Licensees shall carry their original license, as issued by the Board, at all times when providing outfitting or professional guide services, except as authorized by Section 5 (f) (iii) of this Chapter.

**Section 9.** Outfitters Required to Sign and Provide License Number on Hunter's License.

(a) All outfitters shall sign their client's hunting license and include their outfitter license number before the client begins hunting.

CHAPTER 5  
LICENSE FEES

**Section 1. Fees Generally.**

- (a) License fees are:
  - (i) Outfitter license fee: \$600
  - (ii) Full Term Professional Guide license fee: \$145
  - (iii) Temporary (14-day) Guide license fee: \$70
- (b) New Applicant Fees (in addition to the license fee) are:
  - (i) New Outfitter Application Fee in addition to license fee \$1600
  - (ii) New Professional Guide Fee in addition to license fee \$25
- (c) Administrative Fees
  - (i) Faxed/E-mailed license fee – Professional Guides (for Emergency licenses): \$20
- (d) All fees are non-refundable.

## CHAPTER 2

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(c) Applicants shall submit a letter of intent from an insurance company indicating they will insure the applicant if a license is approved. Insurance must be effective during the entire licensing period. If insurance is not in effect, the license is immediately void.

(d) Prior to final approval of an outfitter license, the applicant shall secure written endorsement from the public land agency, private landowner, owner's agent or lessor on a form provided by the Board for the areas shown on the Operation Plan. A "Surface Management Status Map" shall be submitted showing all intended areas of operation for any private lands requested on the private land form. All written records of applicants involving landowner or lease permission shall remain confidential.

(e) All applicants shall appear in person before the Board, unless this requirement is waived by the Board. The Board may, at its discretion, require an applicant to pass an equipment inspection before the approved license is issued.

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outfit hunting clients based upon sound game and land use management principles and purposes based upon recommendations by the commission.

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(k) The Board may deny granting a license to an applicant who is not qualified or based upon a violation of a significant state or federal wildlife, game or fish law or regulation.

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(d) When an applicant applies for a professional guide license during the hunting season and good cause is shown, the requirements in Section 5 (c) may be waived by the Board. No guide shall receive more than one (1) waiver.

(e) An applicant may receive only one (1) fourteen (14) day permit in any twelve (12) month period.

(f) A professional guide license issued by the Board is valid if:

(i) The professional guide is employed or contracted by a licensed outfitter;

(ii) Signed on the back by the employing or contracting outfitter, including the outfitter's license number and the date(s) that the licensee is employed by or operating under an independent contract with the licensed outfitter; and

(iii) It is the original license or is a facsimile or emailed copy, properly signed.

(g) Professional guides covered under liability insurance of a licensed outfitter shall not be required to furnish a separate certificate of insurance.

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(i) A completed professional guide application.

(ii) The annual professional guide license fee as set by the Board under Chapter 5, Section 1 and pursuant to W.S. 33-1-201.

(b) The U.S. Postal Service or any other mail delivery service providers are not agents of the Board. Therefore, the Board cannot assume responsibility for mail delivery to the Board. It is the applicant's responsibility to assure the delivery of an application to the Board office in a timely manner.



**Section 8.** Proof of Licensure Required.

(a) Licensees shall carry their original license, as issued by the Board, at all times when providing outfitting or professional guide services, except as authorized by Section 5 (f) (iii) of this Chapter.

**Section 9.** Outfitters Required to Sign and Provide License Number on Hunter's License.

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**Section 1.** Fees Generally.

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- (b) New Applicant Fees (in addition to the license fee) are:
  - (i) New Outfitter Application Fee in addition to license fee \$1600
  - (ii) New Professional Guide Fee in addition to license fee \$25
- (c) Administrative Fees
  - (i) Faxed/E-mailed license fee – Professional Guides (for Emergency licenses): \$20
- (d) All fees are non-refundable.