

## **RULES AND REGULATIONS FOR GUIDES AND OUTFITTERS**

The following rules and regulations provide standards by which to regulate the conduct and operations of guides and outfitters on lands within the Southern Ute Indian Reservation.

1. Definitions. As used in these rules and regulations, unless the context otherwise requires:

a. “Harvest” means to catch, trap, kill, or possess any wildlife.

b. “Outfitter” or “guide” means a person who advertises or holds himself out to the public for hire or is employed or accepts compensation for providing facilities, equipment or services for hunting or fishing activities, including but not limited to transportation of individuals, equipment, supplies, or wildlife by means of vehicle, vessel, or pack animal, facilities including but not limited to tents, cabins, camp gear, food, or similar supplies, equipment, or accommodations, and guiding, leading, packing, protecting, supervising, instructing, or training persons or groups of persons in the take or attempted take of wildlife; provided, however, that “outfitter” or “guide” does not include a person who only cooks, cuts wood or performs other comparable or incidental duties not directly related to hunting or fishing activities.

c. “Unloaded firearm” means a rifle, shotgun, pistol or muzzleloader in which the ammunition and/or bullet is not in the magazine, chamber, or barrel of the firearm.

2. Permit Requirements.

a. A guide or outfitter must be permitted by the Southern Ute Indian Tribe as outlined in the Guide and Outfitting Permitting Criteria.

b. Guiding or outfitting without a permit is an unauthorized act and a violation of 13-3-105, Southern Ute Indian Wildlife Conservation Code.

c. All guiding and outfitting permits are valid for dates to be determined by the Management Division.

d. Permitted guides or outfitters must carry a Southern Ute tribal guide and outfitter permit while acting in the capacity of a guide or outfitter. The permit must be readily available for inspection by any law enforcement officer or client.

3. Employees.

a. Guides and outfitters must comply with the Tribal Employment Rights Code when employing individuals for support services in connection with guiding and outfitting

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activities on tribal lands (e.g., laborer, packer, cook, or trainee).

b. The guide or outfitter shall submit a list of all employees to the Southern Ute Division of Wildlife Resource Management ("Management Division") prior to each hunting or fishing season and update the list during the season prior to the work of the employees in the field. The list must include for each employee name, date of birth, address, enrollment number for tribal members, social security number for non-tribal members, and type of work the employee will be performing.

c. The guide or outfitter must certify that such employees meet the following standards:

- not have been convicted of a misdemeanor or felony regarding dishonesty or fraud within the last five years;
- not have been convicted of any state or federal fish, wildlife, guide or outfitting violation or accumulated any tribal permit denial/suspension/revocation points within the last five years;
- have signed a waiver of liability holding harmless and agreed to indemnify the Southern Ute Indian Tribe and the Management Division and their employees from actions, claims or damages based on the acts or omissions of the guide or outfitter and employees;
- are familiar with many boundaries of the Southern Ute Indian Reservation and ability to distinguish among: hunting units and/or open fishing areas, allotments and assignments, and tribal and non-tribal lands;
- have current first aid certification;
- possess a valid hunter safety certificate for hunting-related guiding and outfitting;
- have signed a disclosure for use in background checks by Southern Ute Indian Tribal Police to determine the integrity of applicant;
- are physically able to perform the work of an employee of a guide or outfitter;
- have knowledge of the Tribe's Wildlife Conservation Code and wildlife conservation practices; and

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- are willing to cooperate with Management Division and other guides and outfitters.

4. Liability. Guides and outfitters shall maintain general liability insurance coverage in the amount of not less than \$250,000, which names the Southern Ute Indian Tribe as an additional insured, during all hunting and/or fishing seasons for which they will provide guide and outfitting services.

5. Booking Trips.

a. A permitted guide or outfitter for hunting may take a deposit for services, but may not guarantee any hunt period to a client without prior authorization from the Management Division.

b. Permitted guides and outfitters must ensure their clients that the guide or outfitter is authorized to guide or outfit, the client meets Southern Ute Indian tribal hunting or fishing permit application requirements, as the case may be, and the client has drawn or booked a hunt prior to finalizing any client hunting activity.

6. First Aide and Safety Equipment.

a. Permitted guides and outfitters shall have a basic first-aid kit appropriate for the activity (hunting or fishing) immediately available on all hunts or trips to provide for the safety of all clients and personnel.

7. Contracts.

a. The client and the permitted guide or outfitter for hunting shall enter into a written contract for services. The contract shall include at least the following terms: rates, services to be provided, number of days of service, and description of accommodations (food and lodging arrangements), ratio of clients to guides, and the guide or outfitter policy regarding the cancellation of the contract and refund of any deposit. The client and guide shall both receive a signed copy of the contract.

b. Guides and outfitters shall not misrepresent any service, rates, or accommodation, either verbally or in writing.

c. Rates and services to be provided by guides and outfitters shall be negotiated by the client and guide.

8. Reports.

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a. The permitted guide or outfitter for hunting shall submit a written report to the Management Division within ten (10) days after-each hunt. The report shall include at least:

- Names/addresses of clients;
- Copy of signed contract;
- Any problem which arose on the hunt; and
- Successes and failures, violations, absences.

The Management Division, through client questionnaires, will determine client satisfaction, problems on the trip, and suggestions for improvement.

b. The permitted guide or outfitter for fishing shall submit a written report to the Management Division as specified in the permitting agreement with the Tribe. It may be required that the report include but not be limited to the following information:

- names/addresses of clients;
- number of guided trips;
- number of clients and permits issued;
- locations;
- dates;
- any problem which arose on the trips; and
- successes and failures, violations, absences.

### 9. Conduct.

a. On all trips with clients, guides and outfitters and their employees must conduct themselves in a professional manner that reflects positively both on them and on the Southern Ute Indian Tribe.

(1) Permitted guides and outfitters are responsible for the conduct of their employees while such employees are acting within the scope of their employment.

b. A permitted guide or outfitter shall report promptly to the Management Division:

(1) any guide or outfitter or employee who does not conduct himself in a manner that reflects positively on that employee, their employer, or the Southern Ute Indian Tribe.

(2) any client who, by his conduct, attitude or manner, expresses negativity towards the Tribe, a guide or outfitter, or his/her employees.

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c. Permitted guides and outfitters and their employees must comply with all federal and Tribal laws and regulations, including but not limited to the Wildlife Conservation Code, and shall not guide or outfit within the exterior boundaries of the Southern Ute Indian Reservation in the capacity of a Southern Ute Indian Guide except during approved hunting or fishing seasons adopted by the Tribal Council.

### 10. Firearms.

a. No guide or outfitter or their employees shall hunt, shoot, kill or take any wildlife while acting in the capacity of a guide or outfitter for themselves. Guides and outfitters and their employees may assist, when requested by the hunter, in harvesting and retrieving a wounded animal.

b. Firearms and alcohol and drugs do not mix. Use of drugs is prohibited if it impairs the ability to safely handle and operate firearms or other equipment required for the guiding or outfitting activity. Guides and outfitters shall ensure that:

(1) they and their employees do not consume alcohol or drugs while providing guiding or outfitting services.

(2) their clients do not consume alcohol or drugs while hunting or fishing or consume alcohol or drugs in camp in a manner which could cause injury to others.

c. Guides and outfitters may bear unloaded firearms (i.e., no cartridge in magazine or chamber) for clients provided that safe handling, carrying or transporting is practiced.

d. Guides may carry handguns for protection and/or harvesting wounded animals.

11. Prohibited Methods of Hunting or Fishing - as identified in the hunting and fishing proclamation issued annually by the Tribal Council.

12. Violation of any of these rules and regulations may result in fines, revocation of a guiding and outfitting permit, loss of guiding privileges for a minimum of one year, and/or loss of guiding and outfitting privileges. ' 13-3-105, Southern Ute Indian Tribal Wildlife Code.

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