

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

March 6-8, 1985  
Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board was called to order by Chairman Foster at 0830 on Wednesday, March 6, 1985, with members Farr, Meiners, Salter, and Vaughn in attendance. The following business was conducted:

**Andre Molsee:** MSC (Salter--Vaughn) THAT UPON THE BOARD'S RE-EVALUATION OF MR. MOLSEE'S APPLICATION, THE APPLICANT IS TO BE ADVISED THAT COUGAR HUNTING WILL BE ADDED TO HIS LICENSE.

**Board Minutes:** MSC (Meiners--Farr) THAT THE MINUTES OF THE FEBRUARY BOARD MEETING BE APPROVED AS AMENDED.

**Parliamentary Procedure:** MSC (Meiners--Farr) THAT THE BOARD ADOPT ROBERT'S RULES OF ORDER AS THE BASIC PARLIAMENTARY CRITERIA FOR BOARD PROCEDURES.

**Steve Alley:** At 1010 Mr. Alley met with the Board. He stated he is no longer a partner with Dusty Youren of Anderson Creek Outfitters and that he is not interested in the hunting rights for the area licensed to Anderson Creek Outfitters. The Chairman asked Mr. Alley to give the Board a letter to this effect.

**Nonuse Criteria:** Scott Farr reviewed a draft of proposed criteria relative to nonuse. A committee meeting has been scheduled for Friday, March 15, 1985, at 9:00 a.m. in the Boardroom with members of the Board and representatives from the Idaho Outfitters and Guides Association.

**Daryl Reed/Don Waller:** At 1115 Messrs. Reed and Waller met with the Board to discuss a new outfitting business. The Chairman indicated financial statements would be required from the principles of the business as well as an indication from the U.S. Forest Service that they would be amenable to their proposed operation. The Board will contact the Idaho Department of Fish and Game, the Challis National Forest, and the Payette National Forest for their input and will notify the applicants within 90 days of its decision.

The meeting recessed at 1150 and reconvened at 1315. The following business was conducted:

**Clinton and Dorothy Galbraith:** At 1325 Mr. & Mrs. Galbraith met with the Board and discussed their proposal to take over the Aaron Angell horse and wagon ride concession at Harriman State Park. MSC (Farr--Meiners) THAT THIS APPLICATION BE APPROVED UPON COMPLETION. FURTHER, THAT THE WORDED AREA DESCRIPTION IS TO BE CLEARED WITH MR. ANGELL BEFORE THE LICENSE IS ISSUED.

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**Tony H. Latham:** At 1420 Mr. Latham met with the Board regarding his proposed purchase of the Vinson H. Johnson business. MSC (Farr--Vaughn) THAT THE APPLICATION BE APPROVED UPON COMPLETION AND THE LICENSE ISSUED FOR THE AREA AND ACTIVITIES PREVIOUSLY LICENSED TO MR. JOHNSON.

**Lyle Kunz:** At 1500 Mr. Kunz met with the Board to discuss the proposed sale of his outfitting business. Following a lengthy discussion and exhaustive investigation, MSC (Vaughn--Salter) THAT THE BOARD APPROVE THE TRANSFER OF LYLE KUNZ'S HUNTING AREA TO ALBERT TILT III BASED ON THE FOLLOWING FINDINGS:

- (1) THE PROBLEM-FREE HISTORY IN THIS AREA HAVING THREE LICENSED OUTFITTERS;
- (2) THE LETTER FROM THE U. S. FOREST SERVICE DATED FEBRUARY 28, 1985;
- (3) THE LETTER FROM THE IDAHO DEPARTMENT OF FISH AND GAME DATED MARCH 4, 1985; AND
- (4) THE ALLEGED EVIDENCE OF TANGIBLE ASSETS BEING TRANSFERRED AND THE LEVEL OF USE SHOWN BY MR. KUNZ WHICH ESTABLISH THE FACT THERE IS A BUSINESS TO BE SOLD.

**Joe Leonard:** At 1645 Mr. Leonard met with the Board to discuss getting relicensed for the activities and area he is taking back from Bob Jonas. The Chairman noted that a release would have to be secured from Mr. Jonas relinquishing this operation to Mr. Leonard. MSC (Farr--Meiners) THAT THIS APPLICATION BE APPROVED UPON COMPLETION.

The meeting adjourned at 1720 and reconvened on Thursday, March 7, 1985, at 0840. The following business was conducted:

**S. C. Buttram:** The Board reviewed the Decision and Order prepared by Mark Martin, Deputy Attorney General, and instructed Mr. Martin to revise the documents pursuant to its discussion with him.

**Meeting with U.S. Forest Service:** At 0900 the Board met with Bill Fessel, Tom Kovalicky, Dennis Martin, and Art Seamans of the U.S. Forest Service to discuss various matters of mutual concern, specifically with regards to licensing procedures. No decisions were made as this was an informational session only.

The meeting recessed at 1200 and reconvened at 1310. Matters discussed were as follows:

**Clair Bosen:** The Board reviewed the modified application of Mr. Bosen. Letters will be sent to the Idaho Department of Fish and Game, the U.S. Forest Service, and Larry Cross for their input before the Board renders a decision on this application.

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**Stanley Potts/Scott Farr:** After reviewing the letter received on February 19, 1985, from the U.S. Forest Service, MSC (Salter--Vaughn; Farr abstained) THAT THE 1985-1986 OUTFITTER LICENSE BE ISSUED TO SCOTT FARR WITH THE PROVISIO THAT THE AMENDMENT RELATIVE TO THE JOINT-USE AGREEMENT WITH STANLEY POTTS WOULD BE ADDED LATER AT NO CHARGE. FURTHER, THE BOARD WILL MEET WITH REPRESENTATIVES OF THE U.S. FOREST SERVICE AT THE SPRING MEETING TO DISCUSS THIS MATTER. ADDITIONALLY, IF STANLEY POTTS SHOULD SUBMIT AN APPLICATION FOR A 1985-1986 LICENSE PRIOR TO FINAL BOARD ACTION ON THIS JOINT-USE AGREEMENT, HIS LICENSE IS TO BE ISSUED WITH THE SAME PROVISIO AS NOTED ABOVE FOR SCOTT FARR.

**Gordon Stimmel/Fourth of July Creek Outfitters:** The Board reviewed the applications for the 1985-1986 license year. MSC (Farr--Meiners) THAT THE CHAIRMAN WRITE A CERTIFIED LETTER TO THE APPLICANTS REQUESTING COMPLIANCE WITH THE BOARD'S PREVIOUS REQUEST TO SEND A LIST OF PAYING CLIENTS SO THAT ADDITIONAL RESEARCH CAN BE CONDUCTED RELATIVE TO THE COMPLAINTS ON FILE BEFORE THE ISSUANCE OF LICENSES FOR THE ENSUING YEAR.

**Mike Madden/Forrest Wilson:** Mrs. Madden sent in a list of the names and addresses of clients they had last year. The Board will write a letter to these people requesting information on the hunts they went on. MSC (Salter--Meiners) THAT FORREST WILSON BE NOTIFIED HIS LICENSE WILL BE HELD IN ABEYANCE UNTIL HE MEETS WITH THE BOARD IN APRIL TO DISCUSS THE COMPLAINTS ON FILE WITH THE BOARD.

**RamsHorn Guest Ranch:** After reviewing the application received from Dave Rackow, MSC (Salter--Meiners) THAT THE APPLICATION BE SENT BACK FOR COMPLETION, INCLUDING THE SIGNATURES OF THE APPLICANT AND LAND MANAGER, RED CROSS CERTIFICATION, AND AN OPERATING PLAN.

**Brent Hill:** At 1410 Attorneys Carl Olsen, John Insinger, and Mark Martin met with the Board to discuss the Memorandum of Decision and Proposed Order submitted by the Hearing Officer. The Board is taking the matter under advisement and will notify the parties as soon as it renders a decision.

**Donald D. McPherson:** At 1430 Mr. McPherson met with the Board at its request to discuss various enforcement matters. During this meeting, Mr. McPherson tendered his resignation as an Enforcement Officer for the Board.

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**American River Touring Association/Steve Welch:** The applications for ARTA and Mr. Welch, the new Managing Agent, were reviewed by the Board. MSC (Meiners--Salter) THAT IT WILL NOT BE NECESSARY FOR MR. WELCH TO MEET WITH THE BOARD, BUT INASMUCH AS HE WILL BE ATTENDING THE SPRING MEETING OF THE IDAHO OUTFITTERS AND GUIDES ASSOCIATION, THE BOARD WOULD LIKE TO MAKE HIS ACQUAINTANCE AT THAT TIME.

**Policy on Change of Managing Agents:** MSC (Salter--Vaughn) THAT WHEN THERE IS A CHANGE IN MANAGING AGENTS OF AN ESTABLISHED OUTFITTING BUSINESS, THE APPLICANT NEED NOT APPEAR BEFORE THE BOARD UNLESS THERE ARE EXTENUATING CIRCUMSTANCES AS DETERMINED BY THE CHAIRMAN; FURTHER, THAT WHEN SUCH CHANGES ARE MADE EFFECTIVE, THE BOARD WILL NOTIFY THE APPROPRIATE LAND MANAGERS.

**Jeffrey Bitton:** After reviewing a letter received from Mr. Bitton on March 4, 1985, MSC (Farr--Vaughn) THAT THE CHAIRMAN CONTACT MR. BITTON FOR A CLARIFICATION OF HIS REQUEST. FURTHER, IF THIS REQUEST IS FOR AN AMENDMENT TO HIS LICENSE, THE BOARD WILL PROCEED WITH THE NECESSARY RESEARCH BY WRITING TO THE IDAHO DEPARTMENT OF FISH AND GAME. ADDITIONALLY, THE APPLICANT IS TO BE REQUESTED TO SUBMIT AN OPERATING PLAN INDICATING WHAT HE HAS DONE WITH HIS CURRENT AREA AND WHAT HE PROPOSES TO DO IN THE FUTURE.

**Terry Vandenburg:** Upon reviewing a preliminary application submitted by Tim Craig, MSC (Farr--Vaughn) THAT TERRY VANDENBURG'S LICENSE BE APPROVED UPON COMPLETION, INCLUDING A VALID FIRST AID CARD, AND UPON THE ISSUANCE OF A LICENSE TO TIM CRAIG.

**Policy on Lakes in Northern Idaho:** MSC (Salter--Vaughn) THAT THE BOARD BEGIN LICENSING OUTFITTERS ON PRIEST, PEND OREILLE, AND COEUR D'ALENE LAKES AND THAT THE KNOWN OPERATORS ON THESE LAKES BE NOTIFIED OF THE BOARD'S CURRENT POSITION AND ADVISED THAT APPLICATIONS ARE NOW BEING TAKEN AND PROCESSED. FURTHER, AT THE PRESENT TIME THIS PROGRAM WILL BE ON A VOLUNTARY BASIS, BUT ENFORCEMENT WILL BE ENACTED AS OF APRIL 1, 1986.

**Trophy Fisheries:** MSC (Salter--Meiners) IN ANTICIPATION OF THE POTENTIAL OF PRIEST, PEND OREILLE, AND COEUR D'ALENE LAKES TURNING INTO TROPHY FISHERIES AND THE POSSIBILITY THAT IT MAY BE NECESSARY TO LIMIT OUTFITTER ACTIVITIES, THAT ARRANGEMENTS BE MADE TO GATHER INFORMATION AND DATA FOR BACKGROUND USE IN DETERMINING WHAT RESTRICTIONS WOULD BE IN ORDER, IF NEEDED AND DESIRABLE.

**Richard Reinwald:** Upon reviewing his application for fishing in Lakes Pend Oreille and Coeur d'Alene, MSC (Meiners--Salter) THAT THIS APPLICATION BE APPROVED UPON ITS COMPLETION.

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**David Murdock/Gayland Murdock/Lynn Murdock:** Upon reviewing the Murdock applications for hunting privileges in the Lyle Kunz area, MSC (Vaughn--Farr) THAT THESE APPLICATIONS BE DENIED PURSUANT TO THE PROVISIONS OF IDAHO CODE 36-2109(b)(4) AND (b)(5), AND BECAUSE THE AREA IS ALREADY LICENSED TO EXISTING OUTFITTERS.

**Peter Grubb:** After reviewing Mr. Grubb's application to add float boating on the Priest River, MSC (Farr--Meiners) THAT THIS REQUEST BE APPROVED AND LICENSE ISSUED UPON COMPLETION OF THE APPLICATION.

**Barbara Chandler:** The Board reviewed Ms. Chandler's application which included new activities and additional area. MSC (Meiners--Vaughn) THAT BARBARA CHANDLER'S APPLICATION FOR PREVIOUSLY LICENSED ACTIVITIES BE APPROVED AND THE LICENSE ISSUED THE SAME AS LAST YEAR PLUS THE ADDITION OF THE MOYIE RIVER. FURTHER, THAT SHE BE ADVISED HER OTHER REQUESTS WILL REQUIRE ADDITIONAL RESEARCH BY THE BOARD AND THAT IF THE DETERMINATION BY THE BOARD IS FAVORABLE, THE ADDITIONAL ACTIVITIES WILL BE ADDED TO HER LICENSE WITHOUT CHARGE. In conducting this research, the Board will contact the Idaho Department of Fish and Game as well as outfitters S. C. Buttram, Richard W. English, Terry N. Kayser, and Stanley A. Sweet.

The meeting recessed at 1745 and reconvened at 0830 on Friday, March 8, 1985, taking the following matters into consideration:

**Sierra Club:** After reviewing a letter dated March 4, 1985, from Lynn Wick, Director of the Outing Department of the Sierra Club, MSC (Salter--Meiners) THAT IT IS THE BOARD'S DETERMINATION THAT THE ACTIVITIES OUTLINED IN THIS LETTER DO NOT FALL UNDER THE PURVIEW OF THE OUTFITTERS AND GUIDES ACT.

**Policy on Reworded Area Descriptions:** MSC (Farr--Meiners) THAT A NOTICE BE SENT TO EACH OUTFITTER WHOSE AREA DESCRIPTION HAS BEEN REWORDED WHEN THE LICENSES ARE ISSUED INDICATING THE WORDING HAS BEEN CHANGED BUT WITH NO INTENTION OF CHANGING BOUNDARIES. THE OUTFITTERS WILL BE REQUESTED TO REVIEW THE REWORDED AREA DESCRIPTIONS AND NOTIFY THE BOARD IF THERE IS A PROBLEM. FURTHER, THAT EFFORTS WILL BE CONTINUED TO MAKE THE NEW AREA DESCRIPTIONS COMPATIBLE WITH CONTIGUOUS OUTFITTERS' AREAS.

**David Cox/Double K Outfitters:** Mr. Cox met with the Board at 0900 and explained why he had not obtained a 1984-1985 outfitter license. He further indicated it is his intent to sell his outfitting business to Larry Jarrett. MSC (Meiners--Salter) THAT THE APPLICATION OF DAVID COX FOR A 1984-1985 OUTFITTER LICENSE BE APPROVED.

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**Michael J. Stockton:** At 1010 a hearing was held on the denial of Mr. Stockton's request for additional area. Present were Mr. Stockton, Deputy Attorney General Mark Martin, all Board members, and the Board's Administrative Secretary. Judicial notice was taken of the following:

- (a) Mike Stockton's 1984-1985 license, including area description
- (b) Andre Molsee's 1984-1985 license, including area description
- (c) Board Minutes from January 16-19, 1985
- (d) Board Minutes from February 12-16, 1985
- (e) Boardroom Map of Canyon-Palouse-Pierce Ranger Districts dated 1980, including transparent overlay outlining outfitters' areas covered by said map

Mr. Stockton was sworn in and the following documents were entered into the record as exhibits:

- Board Exhibit 1: Andre Molsee's application dated 11/8/84
- Board Exhibit 2: Andre Molsee's application dated 1/15/85
- Board Exhibit 3: Mike Stockton's letter dated 12/13/84
- Board Exhibit 4: Map submitted by Mike Stockton dated 2/7/85
- Board Exhibit 5: Letter from Andre Molsee dated 1/27/85
- Stockton Exhibit 1: U. S. Forest Service letter dated 1/11/85 to Andre Molsee
- Stockton Exhibit 2: Board's letter of 1/22/85 denying Stockton's request
- Stockton Exhibit 3: U.S. Forest Service letter dated 11/30/84 to Mike Stockton
- Stockton Exhibit 4: U. S. Forest Service letter dated 1/23/85 to Mike Stockton
- Stockton Exhibit 5: Mike Stockton's letter of 1/27/85 requesting a hearing
- Stockton Exhibit 6: Clearwater National Forest Map - Palouse Ranger District dated 1980 delineating proposed Stockton area
- Stockton Exhibit 7: Worded area description dated 3/8/85 of the Stockton proposal

Following testimony and summation by Messrs. Stockton and Martin, it was decided that Messrs. Stockton and Molsee be requested to meet with the Board in April to discuss a resolution of a boundary dispute.

**Timothy Steele:** At 1135 a hearing was held on the denial of the issuance of a guide license to Mr. Steele. Present for this hearing were Mr. Steele, Deputy Attorney General Mark Martin, the members of the Board and its Administrative Secretary. Judicial notice was taken of the Judgment Upon Conviction in Case No. 21084, which subsequently became Board Exhibit 1. Mr. Steele was sworn in and examined by Attorney Martin. Following testimony

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and summation by Messrs. Steele and Martin, the Board indicated it will take the matter under advisement and will notify Mr. Steele by mail of its decision. Following a discussion with counsel, MSC (Meiners--Vaughn) THAT THE DENIAL BE RE-AFFIRMED AND THE BOARD'S ATTORNEY INSTRUCTED TO PREPARE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND AN ORDER. FURTHER, MR. STEELE IS TO BE ADVISED THAT THE BOARD WILL CONSIDER, WITHOUT PREJUDICE, A GUIDE APPLICATION FOR THE 1985-1986 LICENSE YEAR.

The meeting recessed at 1220 and reconvened at 1330. The following business was conducted:

**Randall Buck:** At 1330 Mr. Buck met with the Board to discuss his application for an outfitter license to conduct fishing and backpacking in northern Idaho. The Board advised Mr. Buck it would research his request by contacting the Idaho Department of Fish and Game and outfitter Richard English. The applicant will be advised by mail of the Board's decision.

**Stan Meholchick:** At 1410 Mr. Meholchick met with the Board relative to his application for an outfitter's license to conduct elk hunting in his previously licensed bear hunting area, bear hunting in his previously licensed area for fishing, and fall bear hunting. The Chairman advised the applicant the Board will research his request and advise him of its decision by mail.

**Dale Jennings/Ken Fowler:** Messrs. Jennings and Fowler met with the Board at 1510 regarding the proposed sale of Mr. Jennings' outfitter business to Mr. Fowler. MSC (Meiners--Farr) THAT A LETTER BE SENT TO THE APPLICANT REQUESTING A DETAILED FINANCIAL STATEMENT, A PLAN OF OPERATION, HIS BUSINESS BACKGROUND, AND EXPERIENCE.

**Olin Gardner/Idaho Guide Service, Inc.:** At 1555 Olin and Shelley Gardner met with the Board to discuss their recent purchase of Jim Powell's interest in their outfitting business. MSC (Salter--Vaughn) THAT THIS APPLICATION BE APPROVED UPON COMPLETION.

**Comp Time/Administrative Secretary:** MSC (Salter--Vaughn) THAT THE CHAIRMAN WRITE A NOTE TO THE ADMINISTRATIVE SECRETARY AUTHORIZING AN EXTENSION OF THE 40-HOUR COMP TIME LIMIT FOR THE PERIOD FROM 3/8/85 TO 5/31/85.

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**Amendments and Fees:** Following a discussion relative to applications of existing outfitters requesting changes in area and/or activities for the ensuing year, MSC (Meiners--Salter) THAT LICENSES WILL BE ISSUED THE SAME AS LAST YEAR WITH ADMINISTRATIVE AMENDMENTS ADDED AT NO CHARGE UPON APPROVAL OF THE REQUEST FOR SAID ADDITIONAL ACTIVITIES AND/OR AREA. FURTHER, THE CHAIRMAN WILL CONTACT THE BOARD'S ATTORNEY RELATIVE TO THE DEFINITION OF AN AMENDMENT AND APPLICABLE FEES.

**Dick Pullen:** Upon reviewing Mr. Pullen's application for an outfitter license indicating a corporate change, MSC (Vaughn--Salter) THAT THE APPLICATION BE APPROVED AS SUBMITTED.

**Steven Jones:** The Board reviewed Mr. Jones' application for an outfitter license for a new corporation. MSC (Meiners--Vaughn) THAT THE APPLICATION BE APPROVED AS SUBMITTED.

**Albert Lockett:** Upon reviewing the application of Mr. Lockett for an outfitter license, MSC (Vaughn--Meiners) THAT THE CHAIRMAN WRITE A LETTER TO THE APPLICANT REQUESTING CLARIFICATION OF HIS REQUEST AND ADVISING THAT HE MUST HAVE A CURRENT FIRST AID CARD OR A QUALIFIED GUIDE BEFORE A LICENSE COULD BE ISSUED.

**Art Seamans:** The Chairman reviewed a letter from Mr. Seamans of Hells Canyon National Recreation Area relative to some licensed outfitters who do not have permits from the U.S. Forest Service to conduct business. MSC (Vaughn--Meiners) THAT NOTICE BE GIVEN OUTFITTERS OMER DRURY, BOB SMITH (SALMON RIVER BOAT TOURS), PERK LYDA, AND LESTER WEST INDICATING THAT NONUSE CRITERIA ARE BEING DEVELOPED BY THE BOARD AND THAT FAILURE TO HOLD FEDERAL USE PERMITS COULD BECOME GROUNDS FOR REMOVING AN ACTIVITY FROM THEIR LICENSES.

**Agreements of Sale:** The Chairman noted that the Board has been advised by its attorney to require legally executed written agreements whenever a business is sold. However, he also noted that many such agreements do not have the financial data included or have blanked this information out on the Board's copy. The Chairman was instructed to contact the Board's attorney for an opinion.

**Nonuse Committee:** The March 4, 1985, letter from the Idaho Outfitters and Guides Association was reviewed. MSC (Meiners--Vaughn) THAT THE CHAIRMAN WRITE TO THE ASSOCIATION ADVISING THAT SCOTT FARR HAS BEEN SELECTED TO CHAIR THE NONUSE COMMITTEE AND ITS LETTER HAS BEEN GIVEN TO HIM FOR RESPONSE.

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At 1735 the Board met with its attorney, Deputy Attorney General Clive Strong, and reviewed various matters including, but not limited to, the following:

**Brent Hill:** MSC (Meiners--Salter; Farr voted "no") THAT THE BOARD ACCEPT THE RECOMMENDATIONS OF THE HEARING OFFICER TO LEAVE THE BOUNDARY LINE BETWEEN BRENT HILL AND MIDDLE FORK LODGE AS DELINEATED IN BOARD ACTION TAKEN ON APRIL 3, 1984, AND INSTRUCT ITS ATTORNEY TO PREPARE THE NECESSARY PAPERWORK IN THIS MATTER.

**Proposed Rules Package:** Following a lengthy discussion, it was the consensus of the Board that additional public hearings should be held relative to the Henry's Fork of the Snake River in order to more adequately address the petition of Thomas Webb and other matters which came to light during the initial hearing process which were not properly addressed in the public forum. The Chairman will instruct the Board's attorney to prepare the necessary documents to initiate this public hearing process.

The Board adjourned at 1930 hours.



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GLEN R. FOSTER, Chairman of the Board

ATTEST:



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LINDA L. ELWOOD, Administrative Secretary