

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

July 10-13, 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, July 10, 1985, with members Farr, Meiners, Salter and Vaughn in attendance. The following matters were considered:

**T. Leroy West:** The Board reviewed Mr. West's request for a waiver of the late fee requirement. Following a review of the file, MSC (Vaughn--Salter) THAT THE WAIVER BE GRANTED, THE FIFTY DOLLARS (\$50.00) BE REFUNDED, AND THAT MR. WEST BE NOTIFIED THAT HE SHOULD BE ABLE TO BE BONDED ON THE SAME BOND AS HIS EMPLOYING OUTFITTER, BUT THAT IT IS A REQUIREMENT THAT THE MANAGING AGENT BE LISTED ON THE OUTFITTER'S BOND OR BE BONDED SEPARATELY. FURTHER, THAT THE BOARD CONTACT THE ASSOCIATION AND CLARIFY THE BONDING REQUIREMENTS.

**Middle Fork Lodge/Cougar Ranch Outfitters:** MSC (Salter--Farr) IN AN ATTEMPT TO CLARIFY A BOUNDARY LOCATION BETWEEN THE MIDDLE FORK LODGE AND COUGAR RANCH OUTFITTERS IN THE AREA BETWEEN MARBLE CREEK AND MAHONEY CREEK LOOKOUT, THAT A LETTER BE SENT TO BOB COLE AND BRENT HILL POINTING OUT THE DIFFICULTY IN DETERMINING HOW, UNDER THE PRESENT WORDING, YOU GET FROM MAHONEY CREEK LOOKOUT TO MARBLE CREEK AND ASKING FOR THEIR INPUT AS TO THE OPTIONS OF (1) GOING FROM MAHONEY CREEK LOOKOUT BY TRAIL TO MARBLE CREEK OR (2) GOING FROM MAHONEY CREEK LOOKOUT DOWN THE UNNAMED DRAINAGE TO MARBLE CREEK. REFERENCE SHOULD BE MADE TO THE NORTON RIDGE QUADRANGLE MAP, POINTING OUT BOARD SUGGESTIONS. The Board will attach a photocopy of that map to the letter that goes out to the respective parties.

**James R. Thrash dba Salmon Meadows Lodge:** MSC (Meiners--Farr) THAT THE AMENDMENT REQUEST OF MR. THRASH FOR AN EXTENSION OF HIS CURRENT HUNTING AREA BE DENIED DUE TO THE BOARD'S POLICY OF NOT OVERLAPPING BIG GAME HUNTING AREAS AND IN ACCORDANCE WITH RECOMMENDATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME AS NOTED IN THEIR LETTER OF JULY 1, 1985. THIS DENIAL IS PURSUANT TO AUTHORITY OF IDAHO CODE 36-2109(b)(5). FURTHER, THAT HIS REQUEST FOR THE ADDITION OF FALL BEAR HUNTING BE GRANTED AS INCIDENTAL FALL BEAR HUNTING IN THE AREA TO WHICH HE IS PRESENTLY LICENSED. The letter to Mr. Thrash will explain what is meant by incidental fall bear hunting in connection with the big game hunting season.

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**Michael Luther:** The Board interviewed Mr. Luther regarding his request to be licensed for power boating activities on Hells Canyon of the Snake River. He will be placed on the consideration list and when a slot becomes available, he will be considered for licensing.

**Steven J. Wieber:** The Board interviewed Mr. Wieber regarding his request to have bear and deer hunting added to his outfitter operation on Hells Canyon. The Board will do additional research on these requests and make a decision at a later date. Research will include: (1) a listing of current licensees for deer and bear hunting; (2) a tabulation of use in the last three years; and (3) inquiry as to whether licensees all have current federal permits for land use in the areas to which they are licensed.

**Philip M. Krueger dba Ramshorn Ranch/Dick McAfee:** MSC (Meiners--Farr) THAT RELATIVE TO THE KRUEGER/McAFEE TRANSFER AND THE PROVISIONS OF THE CONTRACT OF SALE, THE BOARD WILL ASCERTAIN FROM DR. KRUEGER THE PROGRESS OF THAT TRANSACTION AND WILL REQUEST THAT IT BE PROVIDED EVIDENCE THAT THE BILL OF SALE AND CONTRACT HAVE BEEN CONSUMMATED PRIOR TO THE ISSUANCE OF THE LICENSE TO DR. KRUEGER AND THE RAMSHORN RANCH.

**Dick McAfee:** MSC (Farr--Vaughn) THAT MR. McAFEE'S LICENSE BE ISSUED THE SAME AS LAST YEAR PENDING RESOLUTION OF THIS MATTER AND THAT THE DELETION OF THE PORTION OF THE BUSINESS SOLD TO RAMSHORN GUEST RANCH BE BY ADMINISTRATIVE AMENDMENT WITHOUT FEE AT A LATER DATE.

**Ernest Duckworth:** The Board reviewed with Attorney Steve Addington the upcoming litigation against Mr. Duckworth. During the review, it was noted that a witness from out-of-state (Seattle area) would strengthen the Board's case. Costs for bringing the witness to Idaho would approximate \$280.00. MSC (Farr--Meiners) THAT THE WITNESS BE REQUESTED TO COME TO BOISE AND THAT HIS EXPENSES BE COVERED. The attorney was directed to make contact with the witness and arrange his trip to Boise for the hearing.

**Stanley Sweet:** MSC (Salter--Vaughn) THAT MR. SWEET'S APPLICATION FOR FLOAT BOATING ON THE KOOTENAI RIVER BE APPROVED. His request for hunting and fishing in Fish and Game Unit 2 will be researched with a decision made following receipt of recommendations from the Idaho Department of Fish and Game.

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**Robert M. Smith:** MSC (Salter--Meiners) THAT IN ORDER TO RESOLVE THE MYRIAD OF REQUESTS FROM MR. SMITH, A LETTER BE WRITTEN ADVISING HIM THAT: (1) HIS REQUEST FOR THE DAVE COX AREA IS DENIED BECAUSE IT HAS ALREADY BEEN LICENSED TO LARRY JARRETT, (2) THE BOARD WILL HAVE TO DO ADDITIONAL RESEARCH ON HIS REQUEST TO EXPAND HIS ARCHERY DEER AND ELK HUNTING AREA IN UNITS 10 AND 10A, (3) THE BOARD WILL NOT APPROVE HIS REQUEST TO GIVE PART OF HIS BEAR HUNTING AREA TO BOB DENNIS AS IT IS A THIRD-PARTY AGREEMENT, AND (4) IN ORDER FOR THE BOARD TO OFFICIALLY CONSIDER HIS PROPOSED SALE OF A BEAR HUNTING BUSINESS TO BOB DENNIS IT WILL BE NECESSARY FOR HE AND MR. DENNIS TO APPEAR BEFORE THE BOARD FOR AN INTERVIEW. FURTHER, A PLAN OF OPERATION OUTLINING BOB DENNIS' OPERATION WILL BE REQUIRED FOR BOARD REVIEW AND APPROVAL. A copy of the letter that goes out to Robert M. Smith should also go to Bob Dennis.

**September and October Board Meetings:** The Board set the September Board meeting for September 4, 5, and 6, 1985, and the October Board meeting for September 30, October 1 and 2, 1985.

**David Powers:** The Board again reviewed the outfitter license application of Mr. Powers of Orofino and concluded that another letter should be written to the Fish and Game Department reiterating that this request was for archery hunting only as this fact may have an impact upon their recommendation. This letter should also indicate that Robert M. Smith of Kooskia has also requested the balance of Fish and Game Unit 10A for archery and that the Board requests an assessment of the impact of this proposed operation as well.

**John Kelly:** Following an interview with Mr. Kelly who is proposing to purchase the Clearwater (Kooskia to Lewiston) float boating business from John Jones, MSC (Salter--Meiners) THAT THE LICENSE APPLICATION BE APPROVED WHEN COMPLETED.

**Harlan Opdahl/Al Latch/Jack Nygaard/Gordon E. Frost (Fred Wright)/Duane M. Whipple:** The Board reviewed the revised area descriptions for these outfitters. These revised descriptions will be sent out to the respective licensees, requesting their review and comment within a specified time period. Letters to be sent out by certified mail.

**Lonnie D. Lane:** The Board reviewed Mr. Lane's guide license application and the Fish and Game citation which he received October 6, 1984. Following a review of these matters, MSC (Vaughn--Farr) THAT THE LICENSE BE ISSUED ON A ONE-YEAR PROBATIONARY BASIS WITH A LETTER OF REPRIMAND AND AN EXPLANATION OF THE ISSUANCE OF THE PROBATIONARY LICENSE.

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**Ralph Robinson:** The Board interviewed Mr. Robinson regarding an outfitter's license application for big game hunting. The Board advised him the requested area is already licensed to an existing outfitter (Stanley Sweet) and that his application would likely be denied due to the Board's policy of not stacking big game outfitters. The Board also indicated that following adoption of nonuse criteria, Mr. Sweet's operation would be carefully evaluated.

**Lee R. Campbell:** The Board reviewed Mr. Campbell's guide license application and MSC (Farr--Vaughn) THAT THIS APPLICATION BE APPROVED.

The Board recessed at 1735 and reconvened on Thursday, July 11, 1985, at 0830. It should be noted that Bill Meiners was absent because of a subpoena to attend a trial in Cascade, Idaho; he returned to the Board meeting at 1400. The Board considered the following business:

**Michael E. Stanford:** After a review of Mr. Stanford's outfitter license application, MSC (Vaughn--Salter) THAT IT BE APPROVED FOR TRAILRIDES, FISHING, SNOWMOBILING, AND BACKPACKING IN THE AREA REQUESTED AND THAT STAN MEHOLCHICK BE NOTIFIED WHEN THIS LICENSE IS ISSUED. The area description to be worded as follows:

Beginning at the Idaho/Oregon stateline at the township line common to T13S and T14S; thence easterly along said line to the range line common to R2W and R1W; thence northerly along said range line to the township line common to T9S and T8S; thence westerly to the Oregon/Idaho border; thence southerly along said border to the point of beginning. [BLM Triangle/Riddle Quadrangle, 1978]

**Bruce T. Butler:** The Board reviewed Mr. Butler's outfitter license application and MSC (Vaughn--Farr) THAT THE OUTFITTER LICENSE APPLICATION BE APPROVED FOR THE HUNTING OF ELK, DEER, GOAT, FOREST GROUSE, AND INCIDENTAL FALL BEAR AND FOR RECREATIONAL FISHING, TRAILRIDES, AND BACKPACKING. HIS REQUEST TO HUNT MOOSE, ANTELOPE, AND SHEEP IS DENIED AS THERE IS NO SEASON FOR GENERAL OR CONTROLLED HUNTING OF THESE ANIMALS IN THE REQUESTED AREA. (Area description to be finalized in August.)

**Randall Baugh/Jim Pepcorn:** The Board reviewed telephone messages from Mr. Pepcorn relative to the sale of his business to Mr. Baugh and the allegation that Mr. Baugh has not honored the purchase agreement or the contract between these parties. As the license was issued by the Board on the presumption of a good faith agreement between Messrs. Baugh and Pepcorn, the Board will write a letter to Mr. Baugh indicating that he is expected to honor his contractual agreement with Mr. Pepcorn and that his

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failure to do so may result in the Board initiating procedures to suspend or revoke the license pursuant to Idaho Code 36-2114 and 36-2113(a)(1) and (a)(2).

**Dick McAfee/Castle Creek Outfitters:** The Board interviewed Mr. McAfee regarding his contract with Dr. Krueger and RamsHorn Guest Ranch. It was the conclusion of the Board that the license to RamsHorn Guest Ranch would not be issued until it had evidence that Dr. Krueger had honored his contract with Dick McAfee.

**Olin Gardner/Idaho Guide Service:** Mr. Gardner's letter of June 13, 1985, requesting various and extensive license amendments was reviewed with the following action taken: MSC (Vaughn--Farr) THAT (1) THE REQUEST TO BE LICENSED AS A LEAD BOATMAN ON THE SNAKE RIVER, STAR FALLS TO TWIN FALLS, BE APPROVED; (2) THE REQUEST TO HAVE CROSS-COUNTRY SKIING ADDED BACK TO HIS LICENSE, AS IT HAD BEEN IN 1984, ON THE BASIS OF AN EMPLOYMENT RELATIONSHIP WITH JANET KILLAM AS A QUALIFIED SKI GUIDE, BE APPROVED, BUT THAT HE BE NOTIFIED THAT THE OTHER TWO GUIDES HE HAS INDICATED WOULD BE INVOLVED IN THE CROSS-COUNTRY SKIING OPERATION HAVE NOT YET APPLIED FOR GUIDE LICENSES; (3) THE REQUEST TO HAVE THE FISHING DESIGNATION ON HIS LICENSE CHANGED TO READ "STEELHEAD FISHING ON THE SALMON AND SNAKE RIVERS" BE DENIED BECAUSE AT THIS TIME THE BOARD HAS NOT CONCLUDED ITS RESEARCH ON THE ANADROMOUS FISHING SITUATION AND IS NOT DIFFERENTIATING BETWEEN RESIDENT AND ANADROMOUS FISHING ACTIVITIES; (4) THE REQUESTS FOR BACKPACKING IN THE SEVEN DEVILS WILDERNESS; FOR ROCK CLIMBING AND TECHNICAL MOUNTAINEERING IN THE SAWTOOTH NATIONAL RECREATION AREA; AND FOR FISHING AND TRAILRIDES IN THE SILVER CREEK AND LITTLE WOOD RIVER AREAS WILL ALL REQUIRE ADDITIONAL RESEARCH, BUT BEFORE SUCH INPUT CAN BE OBTAINED, MR. GARDNER BE REQUESTED TO SUBMIT A MAP SCALED NOT LESS THAN 1/2 INCH PER MILE AND A WORDED AREA DESCRIPTION FOR EACH ACTIVITY REQUESTED; AND (5) MR. GARDNER WILL BE REQUIRED TO SUBMIT A DETAILED OPERATING PLAN INDICATING HOW EACH OF THE REQUESTED ACTIVITIES WOULD BE UTILIZED AND MANAGED IN CONNECTION WITH AREAS AND ACTIVITIES ALREADY LICENSED TO IDAHO GUIDE SERVICE.

**George Duncan:** The Board reviewed Mr. Duncan's request for an amendment to his existing area. Following this review, MSC (Salter--Farr) THAT DEER HUNTING BE ALLOWED IN THE AREA TO WHICH HE IS CURRENTLY LICENSED FOR BEAR AND COUGAR HUNTING, BUT THAT ELK, DEER, BEAR, AND COUGAR HUNTING IN THE EXPANDED AREA DESIGNATED AS AREA 3 ON HIS MAP BE DENIED. THIS DENIAL IS BASED ON IDAHO CODE 36-2109(b)(4) AND (b)(5). SPECIFICALLY IT IS NOT A VIABLE OUTFITTER OPERATION, IS NOT SUPPORTED BY THE IDAHO DEPARTMENT OF FISH AND GAME, AND THE AREA DOES RECEIVE HEAVY PUBLIC USE AND IS HEAVILY ROADED.

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**Gordon Frost:** The Board interviewed Mr. Frost relative to his purchase of the Fred Wright outfitter business and transfer of operation. Mr. Frost objected to the Board's proposed area boundary realignment and description. His objections were noted on the overlay. Before letters go out to the respective parties, the area descriptions will be modified to incorporate Mr. Frost's suggestions where possible. Revised area descriptions will then be sent out to all affected parties for their review and comment.

**William R. Guth:** The Board reviewed Mr. Guth's outfitter license application to be designated as Managing Agent for Flying Resort Ranches. Following this review, MSC (Salter--Vaughn) THAT THIS APPLICATION BE APPROVED AS SUBMITTED.

**Andre Molsee:** The Board reviewed Mr. Molsee's request for an extension dated April 12, 1985. MSC (Vaughn--Farr) THAT THIS REQUEST BE DENIED PURSUANT TO IDAHO CODE 36-2109 (b)(1), (b)(4), AND (b)(5). SPECIFICALLY, PORTIONS OF THE AREA REQUESTED HAVE BEEN LICENSED TO OTHER APPLICANTS, PORTIONS OF THE AREA REQUESTED HAVE BEEN DENIED TO OTHER APPLICANTS. THE BALANCE OF THE REQUESTED AREA IS NOT CONTINGUOUS WITH THE EXISTING AREA LICENSED TO MR. MOLSEE AND DOES NOT APPEAR TO REPRESENT A VIABLE OUTFITTING OPERATION. THIS DENIAL IS SUPPORTED BY RECOMMENDATIONS FROM THE IDAHO DEPARTMENT OF FISH AND GAME.

**Mike Stockton:** The Board reviewed Mr. Stockton's request to be licensed for all activities in an extended area between the Boise Meridian and the Bonneville Power Line adjacent to his southwestern boundary; his request for an extension in the Reggear area south of Dent; his requested extension for fishing on Dwarshak Reservoir between the dam and Grandad Bridge; and his request for snowmobiling in the entire area to which he is currently licensed. Following this review, MSC (Vaughn--Farr) THAT THE REQUESTED AMENDMENT BE GRANTED FOR ALL ACTIVITIES AND AREAS REQUESTED. His area description will now read as follows:

Hunting Area for Animals Specified on License - Beginning at Dent Bridge and the North Fork of the Clearwater River; thence south on the Elk River-Orofino Highway to the road juncture (SE 1/4 Sec. 2, T37N, R2E); thence easterly on road to Reggear Butte (Sec. 3, T37N, R2E); thence southwesterly down an unnamed drainage to the Corps of Engineers Withdrawal Boundary along the Dwarshak Reservoir (SW 1/4 Sec. 9, T37N, R2E); thence south, west, and north along said boundary to Deer Creek (Sec. 35, T38N, R1E); thence due west via and past Teakean Butte to the Bonneville Power transmission lines (Sec. 36, T38N, R1W); thence northwesterly along said power transmission lines to Forest

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Service Road 1963 (Park Cemetery, Sec. 9, T39N, R1W); thence continuing northerly on Forest Service Road 1963 to State Highway 8 at the town of Helmer (Sec. 21, T40N, R1W); thence along State Highway 8 via Bovill to its junction with Forest Service Road 1963 (SE 1/4 Sec. 31, T40N, R2E); thence southwesterly along Forest Service Road 1963 to its junction with Forest Service Road 1445; thence due east on the section line common to Sections 4, 5, 6, 7, 8, and 9 to the approximate section corner common to Sections 3, 4, 9, and 10, T39N, R2E, and Forest Service Road 1452; thence northeasterly on Forest Service Road 1452 to its intersection with Bull Run Creek; thence southerly downstream on Bull Run Creek to its confluence with Elk Creek (NE 1/4 Sec. 22, T39N, R2E); thence northeasterly across Burnt Creek on a straight line to the junction of the old Jericho Mine Road and the Elk River-Orofino Highway (SW 1/4 Sec. 13, T39N, R2E); thence northerly on the Elk River-Orofino Highway to Elk River; thence northerly on Forest Service Road 382 to its juncture with a logging road in Sec. 23, T40N, R2E; thence northerly on said logging road traversing Sections 23, 22, 15, 16, 9, 8, and 5 to Shattuck Butte; thence northerly along Forest Service Road 1969 to Forest Service Road 512; thence northeasterly along Forest Service Road 512 to Forest Service Road 382 (Sec. 11, T41N, R2E); thence southeasterly along Forest Service Road 382 to Stony Creek Meadows and Forest Service Road 3311; thence southerly along Forest Service Road 3311 via Windy Point to Elk Butte; thence south along the Elk Butte Road to Forest Service Road 1705 (Sec. 20, T40N, R3E); thence westerly on Forest Service Road 1705 to Elk River; thence southerly on the Dent Bridge-Elk River Road to Dent Bridge, the point of beginning. [F&G Units 8A & 10] **BEAR AND COUGAR HUNTING IN F&G UNIT 10 MAY TAKE PLACE ONLY DURING THE GENERAL DEER AND/OR ELK SEASON. NO SPRING BEAR HUNTING.**

Hunting Area for Elk, Deer, and Forest Grouse - Beginning at Dent Bridge and the North Fork of the Clearwater River; thence northeasterly up said river to the mouth of Canoe Creek; thence northwesterly up Canoe Creek and continuing on to Gold Butte; thence along the Gold Butte Road to Forest Service Road 1705 (Sec. 20, T40N, R3E); thence westerly on Forest Service Road 1705 to Elk River; thence southerly on the Dent Bridge-Elk River Road to Dent Bridge, the point of beginning. [F&G Unit 10]

Area for Fishing - Fishing may take place on the North Fork of the Clearwater River and Dworshak Reservoir between the Dworshak Dam and Grandad at the mouth of the Little North Fork of the Clearwater River (Sec. 11, T40N, R4E).

Area for Snowmobiling - Snowmobiling may take place in the whole big game hunting area.

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**Peter H. Grubb:** The Board reviewed Mr. Grubb's request to have fishing added to his other activities on the Priest River. The Board also took note of the letter to Mr. Grubb on April 29, 1985, requesting training credentials on the St. Maries, the St. Joe, and the Priest Rivers. Following a review of these materials, MSC (Farr--Vaughn) THAT THE BOARD APPROVE FISHING ON ALL THE RIVERS FOR WHICH MR. GRUBB IS LICENSED FOR FLOAT BOATING ACTIVITIES.

**Boise State University:** MSC (Salter--Vaughn) THAT WHEN THEY HAVE QUALIFIED FOR THE ACTIVITIES REQUESTED, BOISE STATE'S REQUESTED AMENDMENT AND THE RESUMES OF THEIR ANTICIPATED GUIDES BE SENT TO THE REVIEW COMMITTEE OF GEBHARDS, OLSEN, AND NAYLOR FOR THEIR RECOMMENDATION AND THAT, IF FAVORABLE RECOMMENDATION IS RECEIVED, THE REQUEST BE GRANTED.

**Ken E. Fowler:** The Board reviewed the outfitter license application of Mr. Fowler and the request to purchase Dale Jennings' outfitter business. Following this review, MSC (Vaughn--Salter) THAT THE LICENSE APPLICATION BE APPROVED BUT THAT A LETTER BE SENT TO MR. FOWLER ENCOURAGING HIM TO USE THE EXPERIENCE, TRAINING, AND SKILLS OF DALE JENNINGS IN HIS OUTFITTER BUSINESS FOR THE FIRST TWO YEARS AND TO WORK CLOSELY WITH DALE IN ACQUIRING THE EXPERIENCE, BACKGROUND, AND TRAINING NECESSARY TO RUN AN OUTFITTER BUSINESS.

**Ernest E. Duckworth:** At 1410 the Board conducted a hearing relative to the denial of Mr. Duckworth's application for a 1985-1986 outfitter license. Steve Addington, Deputy Attorney General, represented the State and Attorney Don Olowinski represented the defendant. Witnesses in this matter were: Russell Peters (in behalf of the state) and Ernest Duckworth, Perry Heinecke, Elmer Earl, and Earl Beamish (all in behalf of the defendant). Mr. Addington requested that the Board take judicial notice of all documents in the Board's files pertaining to Mr. Duckworth and the following exhibits were entered into the record:

State's Exhibit A - Drawing made by Russell B. Peters.

State's Exhibit B - Nez Perce County Sheriff's Office report and supplemental report relative to an alleged incident in which Mr. Duckworth was involved. (7 pages)

State's Exhibit C - U. S. Coast Guard letter of March 7, 1985, addressed to the Commandant.

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State's Exhibit D - U. S. Coast Guard letter of August 23, 1984,  
addressed to Mr. Duckworth.

State's Exhibit E - U. S. Forest Service letter of May 10, 1985,  
addressed to Mr. Duckworth.

State's Exhibit F - Handwritten draft of a letter dated July 2nd  
re: Michael Luther's statement to the Nez  
Perce County Sheriff.

Defense Exhibit 1 - Ernie Duckworth's Affidavit in Support of  
Request for Stay of Decision of Project  
Manager dated May 10, 1985.

Defense Exhibit 2 - Michael Lee Luther's handwritten statement  
dated July 2nd.

Defense Exhibit 3 - Petition re: Duckworth's abilities,  
character, and qualifications.

Defense Exhibit 4 - Decision and Order of Case No. 16722/13-84  
(Portland) - United States of America;  
United States Coast Guard vs. License  
No. 151 951 and 223 518 Issued to Ernest  
Eugene Duckworth.

Following the conclusion of this hearing, the Board recessed at  
1800 and reconvened at 0830 on Friday, July 12, 1985. The  
following matters were considered:

**May and June Minutes:** Editorial changes were made in the draft  
of the May and June Minutes. Another draft of these Minutes will  
be presented to the Board for final approval at the next Board  
meeting.

**Richard Cook:** The Board held an informal meeting with Attorney  
Dennis Sallaz and Mr. Cook. No decision was rendered. The  
hearing will be held as scheduled in August.

**Steve Addington:** The Board met with its attorney to discuss  
Board matters relative to the School of Urban and Wilderness  
Survival and other legal issues.

**Kieran "Casey" Chuba:** At 1100 hours, the Board interviewed Mr.  
Chuba for a possible enforcement officer position. Following the  
interview with Mr. Chuba, MSC (Vaughn--Farr; Salter abstained)  
THAT MR. CHUBA BE EMPLOYED BY THE IDAHO OUTFITTERS AND GUIDES  
BOARD WHEN (1) HE HAS PASSED THE FIREARMS QUALIFICATION TRAINING,  
(2) THERE IS ASSURANCE THAT HE IS P.O.S.T. CERTIFIED IN IDAHO,  
AND (3) HE IS OTHERWISE QUALIFIED TO CONDUCT ENFORCEMENT  
ACTIVITIES FOR THE BOARD.

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**Jerry Gifford:** The Board also discussed the employment status of Mr. Gifford. Following such discussion, MSC (Vaughn--Farr) THAT AS MR. GIFFORD APPEARS TO HAVE ACCEPTED EMPLOYMENT WITH THE FLYING RESORT RANCHES AND HAS ACCEPTED A TRAIL MAINTENANCE CONTRACT WITH THE FOREST SERVICE, THE BOARD ASK FOR HIS RESIGNATION AS AN ENFORCEMENT OFFICER AND THAT SUCH RESIGNATION BE ACCEPTED WHEN SUBMITTED.

The Board recessed at 1200 hours and reconvened at 1315 hours, meeting with Forest Service representatives from the SNRA, Hank Lee and Bill James. Jeff Bitton, an outfitter in the area, was also in attendance. The following matters were discussed:

**Licensing for Summer Activities in the SNRA** - It was agreed that before the Board authorizes licensing of summer activities in the entire Sawtooth Wilderness, additional research will be conducted by the Forest Service with affected outfitters and the Board with pro's and con's of such licensing discussed and evaluated. A decision on this proposal will be made following such research.

**Sawtooth Lodge/Al Lockett/Leo Jarvis** - The Forest Service stated they believed there was a way that Mr. Jarvis could be authorized to operate as an outfitter, but Mr. Jarvis should contact the SNRA to discuss the matter and resolve any problems with regard to the issuance of an applicable permit.

**Jeff Bitton/Red Fish Lake Lodge** - A similar situation may exist where Jeff Bitton acts as a concessionaire for the outfitted activities out of Red Fish Lake Lodge. Mr. Bitton is operating outside of his licensed area in conducting those activities. Mr. Bitton was requested to submit a request for an amendment to his license for Board consideration as a means of possible resolution to this situation.

In conclusion of this meeting with the Forest Service, it was tentatively agreed that a meeting with affected outfitters, the SNRA, and the Board should be arranged to discuss needs, problems, and management in an effort to further clarify and resolve any problems that may exist regarding permits/licenses on the SNRA. The SNRA will take the lead in setting up such a meeting.

The Board then considered the following matters:

**Nonuse Criteria/Rules Package:** Following a discussion on the Nonuse Criteria, the Board directed that the current criteria draft be returned to the Attorney General's Office for review and drafting into rule format for presentation at the August Board meeting. It was also determined that other material from Board

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rules files be reviewed at the August meeting so that the Board can get a rules package together at the earliest opportunity.

**Completed Rules Package:** The Board made a final review of the recently completed rules package. Following this review and minor editorial changes, MSC (Meiners--Vaughn; Foster abstained from voting on the Henry's Fork issues) THAT THE RULES PACKAGE, AS PROPOSED AND FINALLY DRAFTED FROM THE RECENT PUBLIC HEARINGS, BE ADOPTED AS AMENDED AND THAT APPROPRIATE COPIES BE PRINTED AND FILED WITH THE PROPER AUTHORITIES.

**Ernie's Hell's Canyon Tours, Inc./Ernest E. Duckworth, Managing Agent:** MSC (Meiners--Farr; Salter voted "no") THAT RELATIVE TO THE ISSUANCE OF 1985-1986 OUTFITTER LICENSES AND IN CONSIDERATION OF THE INFORMATION PRESENTED AT THE JULY 11, 1985, HEARING, THE BOARD ISSUE A 1985-1986 LICENSE TO ERNIE'S HELL'S CANYON TOURS, INC. ON A PROBATIONARY BASIS. FURTHER, THAT A LICENSE BE ISSUED TO ERNEST E. DUCKWORTH AS MANAGING AGENT ON A PROBATIONARY BASIS WITH THE STIPULATION THAT HIS GUIDING PRIVILEGES BE SUSPENDED FOR THE BALANCE OF THIS LICENSE YEAR OR UNTIL MARCH 31, 1986. FURTHER, THAT BOTH ERNIE'S HELL'S CANYON TOURS, INC. AND ERNEST E. DUCKWORTH BE SENT A LETTER OUTLINING THE PROVISIONS OF THE PROBATION AND OF THE RESTRICTION IN HIS GUIDING PRIVILEGES. THE TERMS OF PROBATION ARE: (1) THAT MR. DUCKWORTH COMPLY FULLY WITH ALL APPROPRIATE FEDERAL AND STATE LAWS DURING THE BALANCE OF THIS LICENSE YEAR, (2) THAT HE ADHERE STRICTLY TO CONVENTIONAL OR ACCEPTED SAFETY PRACTICES IN THE CONDUCT OF HIS COMPANY'S OPERATION DURING THE ENSUING YEAR, AND (3) THAT HE BE ADVISED THAT A GUIDE APPLICATION OF AN INDIVIDUAL(S) QUALIFIED TO GUIDE FOR THE LICENSED ACTIVITIES MUST BE SUBMITTED AND APPROVED BEFORE LICENSES CAN BE ISSUED TO ERNIE'S HELLS CANYON TOURS, INC. OR TO ERNEST E. DUCKWORTH AS MANAGING AGENT. MR. DUCKWORTH SHOULD BE FURTHER ADVISED THAT THE EFFECT OF THIS ACTION IS THAT HE CANNOT GUIDE ON IDAHO WATERS FOR ANY ACTIVITY DURING THE BALANCE OF THIS LICENSE YEAR AS THE CONTINUANCE GRANTED BY THE ADMINISTRATIVE PROCEDURES ACT AND THE APPEALS PROCESS HAS NOW BEEN TERMINATED.

**Steven J. Guinn:** The Board reviewed a requested amendment to Mr. Guinn's outfitter license and noted that action and approval of said amendment had occurred in the May Board meeting on May 10. The amendment to Mr. Guinn's outfitter license will be issued accordingly.

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**Brian D. Ottmer:** The Board reviewed the outfitter license application of Mr. Ottmer to fish, backpack, and float boat the Priest River from Dickensheet Campground to Priest River City. MSC (Vaughn--Salter) THAT THE APPLICATION BE APPROVED AS SUBMITTED AND THAT THE \$50.00 LATE FEE BE REFUNDED. MR. OTTMER HAS NEVER BEEN A LICENSED OUTFITTER AND, THEREFORE, A LATE FEE IS NOT APPLICABLE. (SEE ADDENDUM #1 FOR AREA DESCRIPTION)

**Galand Haas:** The Board reviewed Mr. Haas' telephone request to purchase the Clearwater float boating business of Wally Beamer. Following a discussion on the matter, the Board directed the Chairman to write Mr. Haas a letter requesting the following: (1) a request from Mr. Haas to add the subject float boating activity, (2) a copy of an executed contract between Messrs. Beamer and Haas including a list of tangible and intangible assets being transferred in the business transaction, and (3) training credentials qualifying Mr. Haas to operate in this area. It was also determined that Mr. Haas would not have to appear before the Board to complete this transaction. When these materials are received in proper form, the license amendment is to be issued to Mr. Haas.

**Charles Clayton Hanson:** The Board reviewed Mr. Hanson's guide license application and noted a Fish and Game citation issued February 1982. It was also noted that Mr. Hanson had been convicted of a felony in 1975 or 1976. Following a review of this file, MSC (Farr--Vaughn) THAT THE GUIDE LICENSE APPLICATION BE APPROVED ON A PROBATIONARY BASIS FOR THE 1985-1986 LICENSE YEAR. A LETTER IS TO ACCOMPANY THE LICENSE IN EXPLANATION OF THE PROBATION (THE FISH AND GAME CITATION AND THE FELONY CONVICTION) AND INDICATING THAT THE BOARD EXPECTS THAT HE WILL ABIDE BY ALL APPROPRIATE LAWS, RULES, AND REGULATIONS DURING THE ENSUING LICENSE YEAR.

**Dawn M. Pulver:** The Board reviewed Ms. Pulver's guide license application, noting her Fish and Game violation of May 17, 1985. MSC (Meiners--Vaughn) THAT THE GUIDE LICENSE APPLICATION BE APPROVED ON A PROBATIONARY BASIS FOR THE 1985-1986 LICENSE YEAR. A LETTER OF EXPLANATION WILL BE SENT MS. PULVER RELATIVE TO THE PROBATIONARY STATUS OF HER LICENSE AND ALERTING HER TO THE EXPECTATION THAT SHE WILL ABIDE BY ALL APPROPRIATE LAWS, RULES, AND REGULATIONS DURING THE ENSUING LICENSE YEAR.

The Board recessed at 1812 and reconvened on Saturday, July 13, 1985, at 0800 hours. The following matters were reviewed:

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**School of Urban and Wilderness Survival:** The Board reviewed and discussed the file and licensing of the School of Urban and Wilderness Survival. Also, guide applications for those individuals to serve as guides for the school were reviewed. Applications received to date were from: Evan Sweeten, James F. Fowler, Richard F. Cobb, Matthew E. Houghton, and Tony A. Plott. It was the Board's decision that, subject to the issuance of the outfitter license and managing agent license, the foregoing guide license applications be approved and licenses issued. In further discussion concerning the School of Urban and Wilderness Survival and in connection with the Board's commitment to investigate the Gregory Jones accident/death (and in consultation with the Board's attorneys), the Board directed that Enforcement Officer Lynn Bowerman be detailed to Elmore County to investigate the school field operations and, if possible, to do so in company with the managing agent, Dennis Thompson. Mr. Bowerman was asked to locate and cite those guides in the field without a guide's license and to cite Larry Dean Olsen (the initial and current individual to whom the outfitter's license is issued) for employing unlicensed guides. Mr. Bowerman was also asked to observe the operation of the school and report his observations to the Board. In addition, in furtherance of the Board's investigation in this matter, the Board will: (1) request input from King County, Washington, officials who apparently have had contact with the school regarding their knowledge of the effectiveness of the program, its safety, and acceptance, (2) contact the Shoshone District-Bureau of Land Management who issues permits for the school's operation in that district for their appraisal of the school's operations and compliance with permit requirements, (3) inquire of the school as to their special use permits or licenses obtained from any other state or federal authority in or for which they conduct operations, i.e.: Nevada, Utah, or Washington, (4) make contact with those agencies as identified in response to item "3" to ascertain their knowledge of the school and/or compliance with permit/license stipulations and requirements. [Offices in Utah and Nevada may have specific information in this regard.], and (5) reiterate its request for materials requested of the school at the Emergency Board meeting held on Saturday, July 6, 1985. Such materials include: (a) the tape of recorded interviews with the participants in the field following the accident, (b) any promotional material or brochures published by the school, (c) letters of solicitation or letters of support and appreciation from participants in the program in King County, Washington, and (d) a complete dossier of materials used by the school in determining qualifications of instructors or guides, together with the names of all instructor participants who were in the field at the time of the accident who were working for the school, their capacities, assignments, and jobs.

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**Randall D. Buck dba Northwest Experiences:** MSC (Salter--Vaughn) THAT MR. BUCK'S REQUEST FOR AN AMENDMENT TO HIS LICENSE TO ALLOW FISHING ON THE CLARK FORK RIVER BE APPROVED PROVIDING THAT THE RESTRICTIONS CONTAINED IN HIS LETTER OF REQUEST DATED MAY 15, 1985, BE A PART OF THE AMENDED LICENSE.

**Harrison S. Hilbert:** MSC (Meiners--Salter) THAT MR. HILBERT'S OUTFITTER LICENSE APPLICATION BE AMENDED TO PLACE BACK ON HIS LICENSE THOSE ACTIVITIES WHICH WERE INADVERTENTLY REMOVED. SUCH ACTIVITIES ARE TECHNICAL MOUNTAINEERING AND ROCK CLIMBING AND LEAD GUIDE STATUS FOR BACK-COUNTRY ALPINE SKIING. HOWEVER, MR. HILBERT SHOULD BE REQUESTED TO SUBMIT AN APPROPRIATE TRAINING CARD FOR BOATMAN ON THE SALMON RIVER FROM THE MOUTH OF THE MIDDLE FORK TO SPRING BAR IN ORDER FOR THIS ACTIVITY TO BE PLACED ON HIS LICENSE.

**Larry Jarrett/Lazy J Outfitters:** The Board reviewed the request for an amendment by Mr. Jarrett that would move his northern boundary a little further north to allow for better access to the South Fork of the Boise River for cougar hunting in the wintertime. Following a review of the application, it was the Board's determination that a letter requesting input be written to the Idaho Department of Fish and Game and to Ron Sherer for their recommendation and comments prior to taking further action on Mr. Jarrett's request.

**Yellowstone Adventures, Inc./Jerald D. Schmier, Managing Agent:** The Board reviewed this outfitter situation in view of the hearing which was established to consider the revocation or suspension of his license for falsification of a Red Cross card and his failure to appear before the Board. MSC (Vaughn--Meiners) THAT MR. SCHMIER BE ADVISED THAT HIS GUIDING PRIVILEGES UNDER THE MANAGING AGENT OUTFITTER LICENSE HE HOLDS HAVE BEEN SUSPENDED DUE TO THE FALSIFICATION OF THE RED CROSS CARD. HOWEVER, THE BUSINESS LICENSE IS STILL INTACT AND MR. SCHMIER MAY CONTINUE TO ACT AS THE MANAGING AGENT WITHOUT GUIDING PRIVILEGES, BUT IN ORDER FOR THE COMPANY LICENSE TO REMAIN VALID, A QUALIFIED GUIDE MUST ALSO BE EMPLOYED TO CONDUCT THE LICENSED ACTIVITIES. THIS QUALIFIED GUIDE COULD BE HIS SON BRADLEY PROVIDED THAT BRADLEY MAKES AN APPROPRIATE APPLICATION, PAYS THE APPROPRIATE FEE, AND RECEIVES A GUIDE'S LICENSE. BRADLEY MAY ALSO BECOME THE MANAGING AGENT IF THAT IS MR. SCHMIER'S PREFERENCE AND BRADLEY IS QUALIFIED. THE CURRENT MANAGING AGENT LICENSE, HOWEVER, CANNOT BE TRANSFERRED AS REQUESTED NOR CAN THE FEES BE REFUNDED AS REQUESTED.

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**Teton Valley Lodge/Randy Berry:** The Board reviewed the amendment requests of Teton Valley Lodge and Randy Berry, Managing Agent. Following a review of the input from the Forest Service and the operating plan submitted by Mr. Berry, MSC (Meiners--Farr) THAT (1) THE TETON VALLEY LODGE, INC. AND RANDY BERRY OUTFITTER LICENSES BE AMENDED TO ALLOW DUCK AND GOOSE HUNTING IN THE TEN BLINDS IDENTIFIED IN KEN McCLURE'S LETTER AS LOCATED ON PRIVATE PROPERTY BELONGING TO TETON VALLEY LODGE, INC.; (2) MR. BERRY'S REQUEST FOR DUCK AND GOOSE HUNTING ON THE PROPERTY OWNED BY JIM DEWEY IS DENIED; (3) RANDY BERRY'S REQUEST FOR WALK AND WADE FISHING ON FALL RIVER WHEN CONDUCTED ACCORDING TO THE RESTRICTIONS AND OPERATING PLAN SUBMITTED BY MR. BERRY ON JUNE 25, 1985 (LIMIT OF 25 PEOPLE PER SEASON WITH NO MORE THAN TWO PEOPLE AT A PARTICULAR ACCESS AT ONE TIME) IS APPROVED; AND (4) THE BOARD IS CONTINUING RESEARCH ON THE TRAILRIDING AMENDMENT REQUESTED BY MR. BERRY AND HAS DETERMINED THAT LETTERS ADDRESSED TO ALL LICENSEES IN THE AREA FOR COMMENTS ON THE PROPOSED TRAILRIDING OPERATION.

**Office Space Lease:** The Board reviewed the proposed renewal lease for office space. MSC (Meiners--Vaughn) THAT THE CHAIRMAN BE AUTHORIZED TO NEGOTIATE THE BEST LEASE ARRANGEMENT, HOPEFULLY NOT OVER A 5% OR 6% INCREASE SINCE THAT IS WHAT WE HAVE BUDGETED FOR FY1986.

**Hadley B. Roberts:** The Board reviewed Mr. Roberts' letter requesting a declaratory ruling on whether his proposed bus tours would fall under the jurisdiction of the Idaho Outfitters and Guides Act. Following a review of this letter and some discussion, MSC (Vaughn--Farr) THAT MR. ROBERTS BE ADVISED THAT HIS PROPOSED ACTIVITIES AS ADDRESSED AND OUTLINED IN HIS LETTER DATED JUNE 12, 1985, DO NOT FALL UNDER THE PURVIEW OF THE OUTFITTERS AND GUIDES ACT, BUT THAT HE IS CAUTIONED TO NOT PARTICIPATE IN ANY GUIDED FISHING ACTIVITIES INCLUDING THE PROVISION OF EQUIPMENT OR INSTRUCTION ON WHERE TO OR HOW TO FISH.

**Jack Lee:** MSC (Meiners--Vaughn) THAT THE BOARD RESPOND TO MR. LEE'S LETTER FROM THE RED FISH LAKE LODGE REGARDING THE POSSIBILITY OF THE LODGE OBTAINING AN OUTFITTER'S LICENSE BY ADVISING MR. LEE THAT MESSRS. HANK LEE AND BILL JAMES OF THE FOREST SERVICE MET WITH THE BOARD ON JULY 12, 1985, TO DISCUSS MATTERS RELATIVE TO OUTFITTING IN THE SAWTOOTH WILDERNESS. IT WAS SUGGESTED THAT A MEETING WITH CONCERNED OUTFITTERS BE HELD TO DISCUSS AND CLARIFY HOW OUTFITTING COULD OR SHOULD BE CONDUCTED IN THE WILDERNESS AREA. MR. LEE SHOULD BE A PARTICIPANT IN THIS MEETING AND, FOLLOWING THE MEETING AT WHICH SNRA, OUTFITTERS, AND THE BOARD WILL BE IN ATTENDANCE, THE BOARD WILL AGAIN REVIEW HIS REQUEST.

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**Joint Licensing on Snake/Clearwater/Salmon Rivers:** The Board reviewed Captain G. A. Casimir's letter of June 17, 1985, regarding an agreement for joint licensing of applicants on the Snake, Clearwater, and Salmon Rivers within Coast Guard jurisdiction. Following this review, the Board affirmed its support of the agreement and determined that an appropriate letter would be drafted back to Captain Casimir indicating the Board's agreement with conditions in said letter.

**Richard Cook:** The Board reviewed the July 11, 1985, letter from Richard K. Linville, attorney for the Outfitters and Guides Association regarding Richard Cook. A response to Mr. Linville's letter will be mailed advising him that the Board has denied Mr. Cook's application for a license to guide a power boat on the Salmon River but that Mr. Cook has appealed the Board's denial. A hearing date was set for July but has been continued to August. The Board will not have a final answer until after the conclusion of the hearing.

**Toshiba Printer:** The Board discussed the printing capability of the Toshiba printer and indicated that if, after consultation with the auditor's office it becomes apparent that another printer is needed in order to handle printing requirements, that the Board authorizes the acquisition of such printer.

**Financial Control:** MSC (Meiners--Salter) THAT RELATIVE TO FINANCIAL CONTROL, THAT THE BOARD GO ON A QUARTERLY REPORTING BASIS AND THAT IT BE PRESENTED A PRINTOUT ON A QUARTERLY BASIS RELATIVE TO THE PROJECTED BUDGET AND EXPENDITURES TO-DATE, WITH THE OPTION THAT IN THE LAST QUARTER, IF IT BECOMES NECESSARY, THAT THIS INFORMATION WOULD BE PROVIDED ON A MONTHLY BASIS.

**Hells Canyon National Recreation Area:** The Board reviewed a letter from the HCNRA dated June 27, 1985, requesting Board input on a proposed outfitter evaluation form. It was concluded that a letter would be written to Mr. Seamans indicating the Board's response.

**Bill Bernt:** The Board directed that a letter be written in response to Mr. Bernt's letter of May 18, 1985. The Board's letter would request clarification on whether Mr. Bernt intended his letter to be a petition to initiate rule-making procedures, whether his letter was intended to reinforce the Board's position in the event that the Board initiated rule-making, or the letter whether it was a comment on the Board's nonuse policy.

**Don Wilson:** The Board reviewed the outfitter complaint signed by Lawrence Clark on June 21, 1985. The complaint was against Don Wilson's outfitter operation. A letter will be written to Mr. Wilson asking him to respond to this complaint.

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**Olin Gardner:** The Board reviewed a letter of complaint received June 26, 1985, directed at one of Olin Gardner's guides and determined that Mr. Gardner should be contacted, either by telephone or by letter, indicating that the Board had a confidential complaint against one of his guides and asking him to respond to the charge.

City in response to their request for a declaratory ruling to advise them that the activities as outlined in their letter of June 13, 1985, do not fall under the purview of the Outfitters and Guides Act.

The Board adjourned at 1600 hours.

  
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GLEN R. FOSTER, Chairman

ATTEST:

  
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LINDA L. ELWOOD, Administrative Secretary

BRIAN OTTMER

AREA DESCRIPTION FOR BACKPACKING

Activities shall be conducted within the following described areas: (1) Township 58 North, Range 2 West (Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33); (2) Township 59 North, Range 2 West (Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 28, 29, 30, 31, 32, and 33); (3) Township 58 North, Range 3 West (all Sections); and (4) Township 59 North, Range 3 West (all Sections). EXCLUDES all private land unless private landowner's permission has been obtained through written agreement and such agreement has been filed with and approved by the Idaho Outfitters and Guides Board.

AREA DESCRIPTION FOR FISHING

Fishing may take place in the backpacking area and on the Priest River in connection with floating.