

## MINUTES

### IDAHO OUTFITTERS AND GUIDES BOARD

August 7-9, 1985  
Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board was convened at 0830 on Wednesday, August 7, 1985, with Chairman Foster and members Farr, Meiners, Salter, and Vaughn in attendance. The Board reviewed the following matters:

**Bruce T. Butler:** Mr. Butler's area description was reviewed. The Board modified the description, as submitted, to follow natural boundaries instead of county lines to the extent possible. The approved area description reads as follows:

Beginning on the Boise Baseline, common to T1N and T1S, R18&19E, BM; thence due north along said township line to the East Fork of the Big Wood River (Sec. 30, T4N, R19E, BM); thence westerly down the East Fork of the Wood River; thence southerly down the Wood River to Greenhorn Gulch; thence westerly up Greenhorn Gulch to Cow Creek (Sec. 15, T3N, R17E, BM) and Trail 180; thence northerly on Trail 180 via Cow Creek and Alturas Gulch to Warm Springs Creek (Sec. 30, T4N, R17E, BM); thence westerly along Warm Springs Creek to a point east of Castle Rock (Sec. 32, T4N, R16E, BM); thence west to Castle Rock; thence northwest on a straight line via Baker Lake to the Blaine/Camas County line (Sec. 9, T4N, R15E, BM); thence southerly along said county line and the South Fork Boise/Wood River watershed divide to Dollarhide Mountain (Sec. 9, T3N, R15E, BM); thence west on Trails 081 and 080 to a point (Lick Creek Lookout) in the SW 1/4, Sec. 3, T3N, R14E, BM); thence westerly along the Big Smokey/Lick Creek watershed divide to Big Smokey Guard Station (Sec. 2, T3N, R13E, BM); thence northerly along the Paradise Creek/South Fork Boise River watershed divide to Elk Point; thence continuing north, west, and south around the head of Elk Creek to the South Fork Boise River at the mouth of Bear Creek (Sec. 34, T5N, R13E, BM); thence westerly upstream on Bear Creek to the Camas/Elmore County line and the Willow/Skeleton Creel watershed divide (SE 1/4, Sec. 3, T4N, R12E, BM); thence southerly on said county line and watershed divide to the South Fork Boise River (NW 1/4, Sec. 17, T3N, R12E, BM); thence upriver a short distance to Trail 052 (SE 1/4, Sec. 3, T4N, R12E, BM); thence southerly on Trails 052, via Deer Park, 050, 055, 056, and Forest Service Road 055 to its intersection with the Boise Baseline (Sec. 35, T1N, R11E, BM); thence due east on the Boise Baseline to the point of beginning. [Sawtooth National Forest-North Division, 1972]

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page two  
proceedings of the 7th

**Bob Jonas/Sun Valley Trekking:** The Board reviewed Mr. Jonas' letter of July 12, 1985, and his objections to the worded area description which was sent out with his license. Following this review, the Board approved his requested amendments to the area description as delineated in his aforementioned letter. The new area description reads as follows:

EXTENDED USE SKI AREAS

Area #1-Redfish Lake Drainage (Huts): Beginning on the Salmon River (Sec. 26, T10N, R13E); thence westerly on the Northern watershed divide of Fishhook Creek to Thompson Peak (Sec. 1, T9N, R12E) and the Custer-Boise County Line; thence southerly on the Custer-Boise County Line to its juncture with Trail 101 (Sec. 26, T8N, R12E); thence northeasterly on Trail 101 and Forest Service Road 214, Redfish Lake, to the point of beginning.

Area #2-The Sawtooth High Routes: Beginning on Highway 75 (Sec. 6, T10N, R13E); thence on Forest Service Road 619, Iron Creek, to Sawtooth Lake (Secs. 21/28, T10N, R12E) via Trail 640; thence southerly in a corridor one section, east and west, of the Bosier-Custer County Line to Snowside Peak (Sec. 17, T7N, R13E); thence southeasterly into the Alpine Lakes drainage to Trail 094 and its juncture with Forest Service Road 205 (Sec. 35, T6N, R13E); thence easterly to Highway 75 on Forest Service Road 205, Alturas Lake, OR from Snowside Peak northeasterly on Trail 095 to Forest Service Road 208, Petit Lake; thence to Highway 75, the point of beginning.

Area #3-Smoky High Route: Beginning on Highway 75, Galena Summit (Sec. 11, T6N, R15E); thence southerly on the hydrologic divide of the Salmon and Wood Rivers to the Blaine-Camas County Line (Sec. 31, T6N, R15E); thence easterly down Forest Service Road 181, Owl Creek, to Highway 75, the point of beginning.

Area #4-Boulder Mountain High Route and Boulder Hut: Beginning at the mouth of Boulder Creek on the Big Wood River (Sec. 12, T5N, R16E); thence one section either side of a route that proceeds northerly up Boulder Creek on Forest Service Road 158 via Boulder Basin to the hydrologic divide between Wood River and the East Fork of the Salmon River; thence continuing northerly on Trail 113 to the Main South Fork/East Fork of the Salmon River (Sec. 9, T6N, R16E); thence southerly up the South Fork/East Fork of the Salmon River and across the hydrologic divide and continuing southerly down Silver Creek to the Wood River and Highway 75.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page three  
proceedings of the 7th

Area #5-Northeast Smoky Mountains (Huts): Beginning at the mouth of Baker Creek on Highway 75 (Sec. 9, T5N, R16E); thence southerly along Forest Service Road 162 to Alden Gulch; thence southerly on Trail 144 to Trail 142 (Sec. 3, T4N, R16E); thence easterly on Trail 142 to Trail 177, Adams Gulch, (Sec. 36, T5N, R16E); thence continuing easterly on Trail 177 to Forest Service Road 141; thence continuing easterly to the Wood River and Highway 75; thence northerly along Highway 75 to the point of beginning.

DAY USE SKI AREAS - GENERAL

Area #6-Upper Wood River Drainage (Day Tours): From the town of Ketchum north to Galena Summit excluding Lake Creek Trail System except for incidental use relative to ingress and egress from NE Smoky Hut System; Galena Lodge trail system; and South Cherry and Spruce Creek drainages.

Area #7-Upper Salmon River Drainage (Day Tours): From the junction of Forest Service Road 215 with Highway 75 (Sec. 2, T6N, R15E) to Galena Summit.

**School of Urban and Wilderness Survival**: The Board reviewed the material submitted by Attorney L. J. Mitchell regarding its investigation of the activities of the school. Inasmuch as there are materials that have been requested but have not yet been submitted, it was the Board's determination that the investigation be continued until the September Board meeting. One point in particular that the Board is still concerned about is the school's operation in Utah and Nevada. The question that was asked of Mr. Thompson is who are the appropriate regulatory agencies to contact in these states in order for the Board to determine whether the school's performance in these states has been satisfactory. Additional letters will be written in regard to this question.

**James B. Thrash**: MSC (Meiners--Farr) THAT MR. THRASH'S REQUEST FOR AN AMENDMENT TO EXTEND HIS AREA BE DENIED PURSUANT TO THE PROVISIONS OF IDAHO CODE 36-2109(b)(5) AND BECAUSE THE REQUESTED AREA IS ALREADY LICENSED TO AN EXISTING OUTFITTER. FURTHER, WHEN AND IF THIS AREA BECOMES AVAILABLE, MR. THRASH WILL BE GIVEN DUE CONSIDERATION ALONG WITH OTHER APPLICANTS DESIRING A LICENSE IN THE SAME AREA.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page four  
proceedings of the 7th

**Quentin Selby:** The Board reviewed the letter from Herbert S. Malany, Chief Region Forester for Boise Cascade, regarding Mr. Selby's use of Boise Cascade lands in his outfitter operation. After a review of the letter, the Board determined that no further action would be taken at this time on the license issued to Mr. Selby.

**Harry W. Vaughn:** (Meiners--Farr; Vaughn abstained) THAT MR. VAUGHN'S REQUEST FOR AN AMENDMENT TO ADD FISHING ON COEUR D'ALENE LAKE, BANK FISHING ON THE MIDDLE FORK OF THE CLEARWATER RIVER (LOWELL TO OROFINO), AND BANK FISHING ON THE SOUTH FORK OF THE CLEARWATER RIVER BE APPROVED. THIS ACTION IS TAKEN FOLLOWING INPUT FROM THE IDAHO DEPARTMENT OF FISH AND GAME AND CONTACT WITH THE IDAHO OUTFITTERS AND GUIDES ASSOCIATION (SEE APRIL BOARD MINUTES, P. 18). HOWEVER, THE ASSOCIATION WAS UNABLE TO CONVENE A COMMITTEE TO REVIEW MR. VAUGHN'S REQUEST IN A TIMELY MANNER.

**James F. Pepcorn/Randall G. Baugh/Dennis Hill:** MSC (Meiners--Farr) THAT THE BOARD TAKE THE FOLLOWING ACTIONS: (1) THAT MR. BAUGH BE ADVISED THE BOARD WILL TAKE NO FURTHER ACTION ON HIS REQUEST RELATIVE TO THE DENNIS HILL MATTER UNTIL HE: (a) SUBMITS A DETAILED PLAN OF OPERATION INCLUSIVE OF THE EQUIPMENT TO BE USED, THE MANNER IN WHICH HE PROPOSES TO USE THE AREAS LICENSED AND REQUESTED, AND THE NUMBERS OF CLIENTELE HE WOULD PROPOSE TO ACCOMMODATE; (b) FURNISHES PROOF OF FINANCIAL RESPONSIBILITY IN HONORING THE CONTRACT OF SALE BETWEEN HE AND MR. PEPCORN; (2) THAT THE BOARD NOTIFY MR. DENNIS HILL THAT NO FURTHER ACTION WILL BE TAKEN TO PROCESS THE SALE OF HIS BUSINESS TO MR. BAUGH UNTIL MR. BAUGH SATISFIES HIS CONTRACT OF PURCHASE WITH MR. PEPCORN AND SUBMITS THE OPERATING PLAN REFERENCED ABOVE; AND (3) THAT ALL FOUR PARTIES TO THIS MATTER (BAUGH, LOANA, HILL, AND PEPCORN) BE ASKED TO APPEAR BEFORE THE BOARD AT ITS SEPTEMBER BOARD MEETING.

**Richard Cook:** At 1400 hours the scheduled hearing was convened on the denial of Mr. Cook's Guide License Application for 1985-1986. Present at the hearing were all Board members; its Administrative Secretary, Linda Elwood; Albert W. Lewis, Board Enforcement Officer; Board Attorney Steve Addington, Deputy Attorney General; Dennis Sallaz, Attorney for the defendant; Richard K. Linville, Attorney for the Idaho Outfitters and Guides Association; and Richard Cook, the defendant. Mr. Addington asked the Board to take judicial notice of the contents of Mr. Cook's Guide License Application file. Testimony was given by Messrs. Lewis and Cook and the following items were entered into the record as exhibits:

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page five  
proceedings of the 7th

STATE EXHIBIT 1: Check #102 dated 8-25-83 payable to Rich Cook drawn on the account of Al Hilton in the amount of \$200.00

STATE EXHIBIT 2: Piece of paper on which Mr. Cook made some handwritten computations

STATE EXHIBIT 3: Hilton claim check dated 9-8-83 in the amount of \$83.03

STATE EXHIBIT 4: Small Claims Affidavit of Claim - Richard J. Cook vs. Albert Lewis - dated 2-15-84

DEFENSE EXHIBIT A: Outfitters and Guides Board Citation #0012 dated 9-10-83 charging Richard J. Cook with outfitting without a license

DEFENSE EXHIBIT B: Outfitters and Guides Board Citation #0013 dated 9-10-83 charging Richard J. Cook with guiding without a license

DEFENSE EXHIBIT C: Judgment of Acquittal in Case No. 20121

DEFENSE EXHIBIT D: Copy of a flier entitled "Steelhead Fisherman"

Following summation by the State and counsel for the defendant, the Chairman advised the Board would render its decision by the end of the week.

The Board recessed for lunch at 1200 and reconvened at 1315. The following matters were reviewed:

**Randy Berry/Teton Valley Lodge, Inc.:** The Board reviewed the Teton Valley Lodge/Randy Berry file and Mr. Berry's requested license amendments for float boating on Fall River and trailrides in the Big Hole Mountains. Following this review and discussion, MSC (Meiners--Vaughn) THAT MR. BERRY BE ADVISED THAT: (1) THE FALL RIVER IS NOT OPEN TO COMMERCIAL FLOAT BOATING USE AND, BEFORE SUCH USE COULD BE CONSIDERED OR GRANTED, THAT A RULES HEARING WOULD BE NECESSARY TO ASSESS PUBLIC ACCEPTANCE/REJECTION OF SAID PROPOSAL; AND (2) THE TRAILRIDES REQUEST BE CONTINUED TO THE SEPTEMBER BOARD MEETING TO ENABLE CONCLUSION AND ASSESSMENT OF ONGOING RESEARCH ON THIS MATTER.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page six  
proceedings of the 7th and 8th

**Galand Haas:** The Board reviewed Mr. Haas' letter dated July 25, 1985, and noted that the Board had already taken action to approve the transfer of the business from Wally Beamer to Mr. Haas subject to the submission of the necessary documents. The Board will now write another letter to Mr. Haas indicating the deficiencies in his file so that he knows what he has to furnish in order to complete this transaction.

**John Daniel Cook:** The Board reviewed Mr. Cook's file and noted that the signature on Mr. Cook's training card for the Salmon River (Spring Bar to Hammer Creek) had signatures that appear to be falsified. Upon further investigation it was concluded that the signatures were not authentic. Mr. Turnipseed was called and asked if, indeed, he had provided the training or signed Mr. Cook's training card. He stated he had neither supervised the training nor signed the training card. Mr. Turnipseed, when asked if he would sign a statement to this effect, said he was coming to Boise on Thursday and would meet with the Board to discuss this and other matters and would sign a statement concerning the falsified signatures. A time was set for Mr. Turnipseed to appear before the Board at 1130 hours on Thursday, August 8, 1985. The Board deferred any further action on Mr. Cook's guide license until after meeting with Mr. Turnipseed on Thursday.

The meeting recessed at 1735 and reconvened on Thursday, August 8, 1985, at 0830, with all Board members in attendance except Bob Salter. The following matters were reviewed:

**Douglas P. Rank:** The Board reviewed Mr. Rank's application for the Hershel Coulter area and determined that as the Coulter situation is still in litigation, Mr. Rank's application will be held until Coulter's sentence is determined by the court or the litigation is otherwise resolved.

**Michael Ducharme:** The Board reviewed Mr. Ducharme's letter of July 18, 1985, and his application requesting consideration for the Hershel Coulter area. His name will be considered along with other candidates when the Coulter situation is resolved.

**Selection Criteria:** Following consideration and discussion of Mr. Rank's and Michael D. Ducharme's applications for the Hershel Coulter area, the Board determined that (in view of the possible availability of the Coulter area or similar areas which may become available through application of nonuse criteria) it will initiate a refinement of its criteria for selection of outfitters where more than one application has been received for the same area. The Board will ask its attorney, Steve Addington, to review the Act and Rules and Regulations in the initial preparation of these criteria.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page seven  
proceedings of the 8th

**Ray A. Ralls:** The Board reviewed the guide license application of Mr. Ralls. Following a review of the file and the documents, MSC (Vaughn--Farr) THAT MR. RALLS' GUIDE APPLICATION BE APPROVED AS SUBMITTED TO GUIDE FOR HARVEY WHITTEN.

**Eakin Ridge Outfitters:** The Board reviewed the August 5, 1985, letter from Gayla Lesley, Secretary for Eakin Ridge Outfitters, requesting that the Board approve a sheep hunt for August 29-September 12 in Fish and Game Unit 527-7. It was the decision of the Board that a letter be written giving Eakin Ridge permission to conduct this sheep hunt.

**Rex Lanham, Jr.:** At 1000 the denial hearing was held for Mr. Lanham relative to the denial of his request to conduct a big game hunting operation in Fish and Game Unit 39. Present for this hearing were all Board members (except Mr. Salter), the Board's attorney Steve Addington, the Administrative Secretary, and Mr. Lanham. Entered into the record as State Exhibit No. 1 was a photocopy of the Fish and Game letter dated June 5, 1985, signed by Stacy Gebhards, Region 3 Supervisor. Mr. Lanham indicated he is primarily interested in using his private land for snowmobiling and the big game hunting operation and would agree to a 5 hunter limit per season. Further, he stated he would propose to use his private land and Forest Service lands east of Highway 21 for trailriding activities. Mr. Lanham was requested to submit a revised application, complete with signatures of land managers, so that the Board could review same and render a decision at the September Board meeting.

**John D. Patterson/David J. Bream:** MSC (Meiners--Farr) RELATIVE TO THE PATTERSON/BREAM LEASE AGREEMENT AND GUIDE ARRANGEMENT, THAT MESSRS. PATTERSON AND BREAM BE ADVISED THAT THEIR LEASE AGREEMENT IS UNACCEPTABLE ON ITS FACE AS IT APPEARS TO BE A THIRD PARTY ARRANGEMENT. FURTHER, THAT THEY BE ADVISED THAT THE AGREEMENT SHOULD BE REDRAFTED TO SHOW THAT MR. BREAM HAS LEASED MR. PATTERSON'S BOAT AND THAT MR. PATTERSON IS ON A FLAT SALARY BASIS FOR SERVICES RENDERED. ALSO, THE BOARD WILL FORWARD THE LEASE AGREEMENT TO STEVE ADDINGTON, THE BOARD'S ATTORNEY, AND ASK HIM TO CONTACT MESSRS. PATTERSON AND BREAM CONCERNING THE DEFICIENCIES IN THE CONTRACT IN ORDER TO ASSIST THE PARTIES IN NEGOTIATING A LEASE/EMPLOYMENT AGREEMENT SATISFACTORY TO THE BOARD AND IN ACCORDANCE WITH LAW.

**John Danial Cook/Salmon River Challenge:** At 1130 hours Mr. Dale Turnipseed, his cousin Norman B. Turnipseed, and Norman's wife Donna L. Turnipseed met with the Board to discuss the circumstances surrounding John Daniel Cook's apparent fraudulent training card and other matters. Dale Turnipseed re-affirmed his statement made in the telephone conversation on August 7, 1985, that he had neither supervised the training nor signed Mr. Cook's

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page eight  
proceedings of the 8th

training card. Mr. Dale Turnipseed signed a notarized statement attesting these facts and further, that he had not authorized anyone to sign Mr. Cook's training card in his behalf. Further testimony at this time indicated that Salmon River Challenge is operating vehicles that are compromising public safety. On the basis of this testimony before the Board and in accordance with Rule 16.a., it was determined that Mr. Kooyers should be notified that the Board will inspect his equipment and that there will be a representative from the Idaho State Police or the Public Utilities Commission who, in company with a Board member, will make an inspection of his equipment to determine whether it is in compliance with all applicable state laws. Accordingly, Mr. Kooyers was called to inform him of the fraudulent training cards submitted by Mr. Cook and alleged faulty equipment. He was informed of the proposed inspection of said equipment and was asked for his cooperation in making the inspection. Mr. Kooyers offered his cooperation and indicated that a good time for the inspection would be on Monday morning, August 12, 1985. Further testimony before the Board by the Turnipseeds indicated that in February 1985, a training trip was conducted by Salmon River Challenge on the lower Salmon River and that there were 12 participants from a Christian organization in Boise who participated in that trip. Some of this group were guided by a Mr. Parsons who was not a licensed guide for Mr. Kooyers at the time and has not obtained a license to operate for Mr. Kooyers since that time. It was also stated that Salmon River Challenge had told trainee guides who would accompany this trip that they would not be paid for the trip. Norman and Donna Turnipseed, who were 2 of these trainees, were asked to row a baggage boat without pay. Further testimony by the Turnipseeds was that a party had booked with Salmon River Challenge for early August to do a float on the lower Salmon Gorge. John Daniel Cook did not have a lead boatmen to accompany this trip so, without notification to the consumers, he ran the trip from Partridge Creek Bridge to Slate Creek. By the time the party arrived at Slate Creek, the guides informed the participants that this was not the lower Salmon Gorge and the participants were upset and asked to be taken off the river at that point. Such action could constitute fraudulent misrepresentation of trips actually conducted by Salmon River Challenge and if the participants file a complaint with the Board, as the Turnipseeds indicate they may do, further action will be required.

The Board recessed for lunch at 1230 and reconvened at 1330 with all Board members in attendance. The following matters were reviewed:

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page nine  
proceedings of the 8th

**David Powers:** Following the interview with Mr. Powers, MSC (Meiners--Vaughn) THAT HIS APPLICATION FOR ARCHERY HUNTING OF ELK, DEER, COUGAR, AND PREDATORS BE APPROVED, BUT THAT HIS REQUEST FOR ARCHERY BEAR HUNTING BE DENIED. THIS ACTION IS SUBJECT TO FINAL APPROVAL OF THE CHAIRMAN OR VICE CHAIRMAN PENDING AN AFFIRMATIVE RESPONSE FROM THE IDAHO DEPARTMENT OF FISH AND GAME. IN THE EVENT THAT THE FISH AND GAME RESPONSE IS NEGATIVE, A TELEPHONE POLL OF BOARD MEMBERS WILL BE MADE TO DETERMINE THEIR REACTION TO THE FISH AND GAME RESPONSE WITH SUBSEQUENT FINAL ACTION TO BE TAKEN BY THE CHAIRMAN OR VICE CHAIRMAN FOLLOWING THIS CALL.

**Gerald "Gary" Watson:** Following the interview of Mr. Watson with regard to the purchase of the Floyd Held business on the Snake River, MSC (Vaughn--Salter) THAT SUBJECT TO COMPLETION OF THE APPLICATION PROCESS, THE PROPOSED PURCHASE BE APPROVED FOR POWER BOATING, FISHING, AND CHUKAR HUNTING ON THE SNAKE RIVER (HELLS CANYON DAM TO LEWISTON).

**Rick Hussey:** The Board interviewed Mr. Hussey with regard to a possible acquisition of Jon Goodman's big game hunting operation, Idaho Big Game, Inc. It was agreed that he would furnish the Board with a copy of a promissory note drawn up by his attorney that would indicate that he would become the sole stockholder in Idaho Big Game, Inc. if Jon Goodman defaults on a note to Hussey. If such occurs, Mr. Hussey would then be the sole owner of Idaho Big Game, Inc. and the business would be transferred to Rick Hussey when and/or if such default occurs.

**Bob Gillihan:** MSC (Salter--Vaughn) THAT THE AREA CURRENTLY LICENSED TO MR. GILLIHAN FOR MEATPACKING ONLY IN THE VICINITY OF BIG CREEK RANGER STATION BE ENLARGED TO INCLUDE THE UNLICENSED AREA LYING NORTH OF THE PRESENT AREA AND THAT THE SAME AREA ALSO BE LICENSED TO BIG CREEK LODGE, INC. AND RONALD VAUGHN FOR MEATPACKING ONLY. FURTHER, THAT THE SAME AREA (GILLIHAN'S FORMERLY LICENSED AREA PLUS THE AREA TO THE NORTH) BE LICENSED TO GILLIHAN AND BIG CREEK LODGE, INC. FOR SUMMER TRAILRIDES. The area description will read as follows:

Beginning at Profile Peak (Sec. 15, T20N, R8E, BM); thence northerly along the watershed divide between Big Creek and the South Fork of the Salmon River via Greeley Mountain, Dixie Mountain, and Elk Mountain to Wolf Fang Peak on the Frank Church River of No Return Wilderness Boundary (Sec. 12, T21N, R8E); thence northerly on said wilderness boundary to its juncture with Forest Service Trail 003 (Sec. 32, T22N, R9E); thence easterly on Trail 003 to Pueblo Summit and the Frank Church River of No Return Wilderness Boundary; thence southeasterly on said wilderness boundary to McFadden Point; thence southeasterly on ridge to Big Creek between the mouth of Little Marble and Gold

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD

August 7-9, 1985 - page ten  
proceedings of the 9th

Creeks (Sec. 16, T21N, R10E); thence south on the ridge between Little Marble and Gold Creeks to Center Mountain and Trail 032 (Sec. 3, T20N, R10E); thence southerly on Trail 032 to its juncture with Trail 006 near Cougar Peak (NE 1/4 Sec. 19, T20N, R10E); thence southerly on Trail 006 to and including Catherine Lake (NW 1/4 Sec. 32, T20N, R10E); thence westerly around the head of Snowslide Creek (Cougar Basin) to the Jacobs Ladder Creek/West Fork Monumental Creek watershed divide (Sec. 25, T20N, R9E); thence westerly around the head of Jacobs Ladder Creek to Pinnacle Peak (NW 1/4 Sec. 34, T20N, R9E); thence northwesterly around the head of Belvidere Creek to Coin Mountain and continuing northwesterly down the ridge to Profile Gap (Sec. 24, T20N, R8E); thence westerly up the ridge to Profile Peak and the point of beginning. [F&G Unit 26] [East Half-Payette National Forest Blackline Map, 1983]

The Board recessed at 1730 hours and reconvened on Friday, August 9, 1985, at 0830 hours. The following matters were reviewed:

**Mark Farola:** MSC (Farr--Vaughn) THAT THE OUTFITTER LICENSE APPLICATION OF MR. FAROLA BE DENIED BASED ON THE UNSUITABILITY OF THE AREA SELECTED FOR OUTFITTER ACTIVITIES, THE FACT THAT THE AREA REQUESTED IS LICENSED TO OTHER OUTFITTERS, AND/OR EMBRACES LANDS WITHIN THE COEUR D'ALENE INDIAN RESERVATION AND IN ACCORDANCE WITH A RECOMMENDATION OF THE IDAHO DEPARTMENT OF FISH AND GAME. THIS DENIAL IS PURSUANT TO IDAHO CODE 36-2109(b)(4) AND (b)(5).

**Permission of Private Landowners:** The Board discussed the desirability of requiring license applicants to obtain permission of large corporate private landowners (Boise Cascade, Potlatch, Burlington-Northern, Diamond Match) and the State Lands Department when the applicant intends to utilize such lands in a proposed outfitter operation. Following this discussion, it was concluded that the Board would contact these large corporate private landowners and State Lands people by letter to ascertain their feelings on this matter. If such contact and/or approval is desired, they will be asked to designate a contact person for such approval. If said private and State landowners do not wish to be involved, the Board will rely on Rule 18 which states it is the licensee's responsibility to "...cooperate fully with private landowners..." in the conduct of his/her operation.

**Lonnie Dale Spath:** MSC (Meiners--Vaughn) RELATIVE TO MR. SPATH'S APPLICATION FOR AN OUTFITTER LICENSE, THAT SAID LICENSE BE DENIED ON THE BASIS OF HIS NON-RESPONSE TO THE BOARD'S FURTHER INQUIRY TO APPEAR BEFORE THE BOARD TO EXPLAIN OR DETAIL HIS PLAN OF OPERATION AND, IN PART, TO THE RESPONSE OF THE IDAHO DEPARTMENT OF FISH AND GAME DATED JUNE 24, 1985, AND THEIR CONCERN FOR CERTAIN OF THE WATERS REQUESTED BY MR. SPATH.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page eleven  
proceedings of the 9th

**Lavon D. Loynd:** At 1100 the Board met with Mr. Loynd, an Enforcement Officer applicant. Following the interview, MSC (Meiners--Farr) THAT THE BOARD HIRE MR. LOYND AS A PART-TIME ENFORCEMENT OFFICER, PROVIDED THAT HE GETS POST CERTIFIED AND FIREARMS CERTIFIED AND OTHERWISE MEETS THE REQUIREMENTS FOR SUCH EMPLOYMENT.

The Board recessed for lunch at 1215 hours and reconvened at 1330 hours. The following matters were reviewed:

**R & R Outdoors, Inc.:** MSC (Meiners--Vaughn) RELATIVE TO THE R & R OUTDOORS, INC./ROBERT D. BLACK, MANAGING AGENT, REQUEST TO HAVE THE NORTH FORK OF THE PAYETTE RIVER ADDED TO THEIR LICENSE, THAT THEY BE ADVISED THERE ARE TWO PRIOR APPLICANTS ON THE CONSIDERATION LIST FOR THIS RIVER SEGMENT. THE BOARD WILL CONTACT THESE APPLICANTS TO DETERMINE IF THEY ARE STILL INTERESTED IN THIS RIVER SEGMENT. IF THESE APPLICANTS ARE STILL INTERESTED AND QUALIFIED, THE TWO SLOTS AVAILABLE WILL BE LICENSED TO THEM AND R & R OUTDOORS, INC. WILL BE PLACED ON THE LIST FOR FUTURE CONSIDERATION.

**Randy Brink/Payette River Company:** MSC (Salter--Vaughn) THAT APPROPRIATE ACTION BE TAKEN TO INSTITUTE A SHOW CAUSE HEARING FOR MR. BRINK DUE TO A LAPSED BOND. SUCH HEARING WILL BE SCHEDULED FOR AUGUST 15, 1985.

**E. B. Ponack/Michael Peterson:** Following the interview with Mr. Ponack, MSC (Meiners--Vaughn) THAT THE OUTFITTER LICENSE APPLICATION OF RED BIRD RANCH, INC./E. B. PONACK, MANAGING AGENT, BE APPROVED AS SUBMITTED WITH FISHING RESTRICTED TO THE SNAKE RIVER. ALSO, THAT THE GUIDE APPLICATION OF MICHAEL LEE "SWEDE" PETERSON BE APPROVED AS SUBMITTED. The area description for Redbird Ranch, Inc. will read as follows:

Area Description for Trailrides - Privately owned land as follows: SE 1/4 SW 1/4 Sec. 8; E 1/2 NW 1/4, W 1/2 NE 1/4, W 1/2 SW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 Sec. 17; E 1/2 SE 1/4 Sec. 18, T33N, R4W, BM. State-owned lands: namely all or portions of Sections 3, 4, 5, and 6 in T32N, R4W, BM; Sections 25 and 36 in T33N, R3W, BM; Sections 16, 17, 19, 20, 21, 28, 29, 30, 31, 32, 33, and 34 in T33N, R4W, BM. Interspersed public domain: namely portions of Sections 3, 4, 5, and 6 in T32N, R4W, BM; Sections 20, 29, 33, and 34 in T33N, R4W, BM. Also, such privately owned lands on which the licensee has permission to operate with access to the Snake River via Captain John Creek. [Orfino, Idaho-Washington Quadrangle-BLM, 1981]

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page twelve  
proceedings of the 9th

**Dennis W. Mitchell:** The Board reviewed Mr. Mitchell's application for a guide license and noted the Idaho Department of Fish and Game citation issued December 1980. Following a review of this file, MSC (Farr--Meiners) THAT THE GUIDE LICENSE APPLICATION OF MR. MITCHELL BE APPROVED ON A ONE-YEAR PROBATIONARY BASIS.

**Stanley Sweet:** MSC (Salter--Meiners) THAT MR. SWEET'S APPLICATION FOR DEER AND ELK HUNTING IN UNIT 2 BE DENIED ON THE BASIS OF THE RECOMMENDATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME. (Copies of this denial letter will be sent to the Fish and Game offices. This should be done in every case when a denial letter is sent.)

**Richard Cook:** A motion was made by Salter THAT MR. COOK BE GRANTED A GUIDE LICENSE TO WORK FOR GERALD KOOYERS AS A POWER BOAT OPERATOR AND THE LICENSE BE ISSUED ON A PROBATIONARY BASIS. THIS ACTION TO BE TAKEN ONLY AFTER THE BOARD HAS RECEIVED AN AMENDED ORDER SIGNED BY JUDGE RYAN. The motion died for lack of a second.

**Richard Cook:** MSC (Meiners--Farr; Salter "No") FOLLOWING A REVIEW OF MR. COOK'S FILE AND THE HEARING BEFORE THE BOARD ON AUGUST 7, 1985, AND THE FACT THAT NO NEW DATA WAS PRESENTED AT THE HEARING WHICH WOULD ALTER THE BOARD'S PREVIOUS DECISION TO DENY MR. COOK'S GUIDE LICENSE, THAT THE BOARD RE-AFFIRM ITS PRIOR DECISION. (When the letter goes out to Mr. Cook, it should indicate that if his record is clean between now and March 31, 1986, the Board will accept an application and will give it favorable consideration for the 1986-1987 license year.)

**John Daniel Cook:** In review of the John Daniel Cook file and following the interview and testimony of Dale Turnipseed regarding this matter, MSC (Meiners--Vaughn) THAT THE BOARD NOTIFY MR. JOHN DANIEL COOK THERE IS REASON TO BELIEVE HIS TRAINING CARD IS FRAUDULENT, IN BOTH THE TRAINING TRIPS CLAIMED AND THE SIGNATURE OF THE INDIVIDUAL ATTESTING THAT TRAINING (DALE TURNIPSEED), AND THAT HE BE REQUESTED TO APPEAR BEFORE THE BOARD TO SHOW CAUSE WHY HIS GUIDE LICENSE SHOULD NOT BE REVOKED. FURTHER, THAT MR. KOOYERS BE NOTIFIED OF THIS CIRCUMSTANCE SO HE MAY BE AWARE OF THE SITUATION. AND, FURTHER, THAT BECAUSE THERE IS REASON TO BELIEVE MR. COOK IS NOT PROPERLY TRAINED AND PUBLIC SAFETY MAY BE JEOPARDIZED IF HE IS ALLOWED TO CONTINUE GUIDING, THE BOARD WILL SET THE HEARING DATE AS AUGUST 15, 1985, AT 1000 HOURS.

**Kelly M. Coughlin:** The Board reviewed the Kelly M. Coughlin guide license application and Fish and Game citations. MSC (Farr--Meiners) THAT THE GUIDE LICENSE APPLICATION OF MS. COUGHLIN BE APPROVED ON A PROBATIONARY BASIS.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page thirteen  
proceedings of the 9th

**Robert M. Smith/Bob Dennis:** The Board had an interview with Messrs. Smith and Dennis, the proposed buyer of a portion of Mr. Smith's bear and cougar hunting business. Also in attendance was Mrs. Robert (Betty) Smith and Mike Brockette, an attorney for the parties involved. Following a lengthy discussion with Messrs. Smith and Dennis on the issue, the Board confirmed the essence of its letter to Mr. Smith on July 22, 1985, indicating that the Board would not approve any kind of joint-use agreement between Bob Smith and Bob Dennis. Also, the Board indicated to Mr. Smith that it had serious reservations concerning the long-term viability of the area involved as an outfitter operation. Further, the Board asked Messrs. Smith and Dennis to comply with the Board's July 22, 1985, letter requesting submission of a detailed operating plan indicating how the area Mr. Dennis would acquire would be used if the transfer were approved, how Mr. Smith would plan to use the balance of the area licensed to him, and how all this relates to the other requests that Mr. Smith has submitted. It was further stated that these matters would have to be resolved prior to any further action by the Board.

**B. Duane Opdahl:** Following a review of the July 16, 1985, letter signed by Harlan and B. Duane Opdahl relative to the dissolution of their partnership, MSC (Meiners--Vaughn) THAT THE BOARD ACCEPT THIS DISSOLUTION AND AMEND THEIR LICENSES TO REFLECT THAT HARLAN OPDAHL IS NOW THE SOLE OWNER OF THE OUTFITTING OPERATION DBA TRIPLE "O" OUTFITTERS AND THAT B. DUANE OPDAHL RETAIN HIS GUIDING PRIVILEGES. THESE AMENDMENTS TO BE ISSUED UPON RECEIPT OF THE APPROPRIATE FEES.

**Linda Elwood:** At 1600 hours the Administrative Secretary, Linda Elwood, presented a report on the exercise of her responsibilities and activities since assuming her position with the Board. The report was comprehensive and its contents will be of value in the preparation of her annual performance evaluation.

**Board Minutes:** The Board reviewed the Minutes of the May meeting. MSC (Vaughn--Meiners) THAT THE MINUTES BE ADOPTED AS AMENDED.

**Memorandum of Understanding:** MSC (Salter--Meiners) THAT THE PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE BOARD AND THE U. S. FOREST SERVICE ATTACHED TO THEIR COVER LETTER OF JULY 22, 1985, BE APPROVED AND THE CHAIRMAN BE AUTHORIZED TO SIGN, SEAL, AND DELIVER. FURTHER, IN RESPONSE TO THE FOREST SERVICE LETTER OF JULY 17, 1985, SIGNED BY JOHN T. DRAKE, THAT THE CHAIRMAN CONTACT THE RESPECTIVE REGIONAL FORESTS AND ARRANGE FOR A MUTUALLY ACCEPTABLE TIME TO IMPLEMENT THE DAY-TO-DAY PROCEDURES OF THE NEWLY SIGNED MEMORANDUM OF UNDERSTANDING FOR INCLUSION IN THE "BLUE PAGES" OF THE FOREST MANUAL.

MINUTES - IDAHO OUTFITTERS AND GUIDES BOARD  
August 7-9, 1985 - page fourteen  
proceedings of the 9th

**Attorney General Contract:** The Board reviewed the July 31, 1985, letter from John J. McMahon of the Attorney General's office and agreed to approve the contract for legal services with said office on the same terms as existed this past year.

**Rotary Account:** The Board reviewed the July 24, 1985, letter from Joe Williams with regard to the Rotary Account and the issuance of sight drafts. It was the determination of the Board that the Administrative Secretary, the Chairman, and the Vice Chairman/Coordinator of Enforcement be authorized to issue sight drafts and appropriate signature cards be forwarded to the State Treasurer's office for this purpose.

The Board meeting adjourned at 1820 hours.



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GLEN R. FOSTER, Chairman of the Board

ATTEST:



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LINDA L. ELWOOD, Administrative Secretary