

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

September 30-October 2, 1985
Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board convened at 0830 hours on Monday, September 30, 1985, with all members present except Harry Vaughn.

Jerald D. Schmier/Yellowstone Adventures, Inc.: Mr. & Mrs. Schmier appeared before the Board to explain the reasons for changing the date of their First Aid card. Following that interview, MSC (Farr--Meiners) THAT THE GUIDING PRIVILEGES FOR JERALD D. SCHMIER BE REINSTATED ON THE BASIS OF HIS EXPLANATION OF WHY THE DATE WAS ORIGINALLY CHANGED ON THAT CARD AND HIS SUBMISSION OF A NEW VALID CARD.

Walter R. Browne: The Board met with Mr. Browne who is making application to work as a part-time enforcement officer for the Board. Following the interview, MSC (Salter--Farr) THAT WALTER R. BROWNE BE HIRED AS AN ENFORCEMENT OFFICER.

Board Minutes: MSC (Meiners--Farr) THAT THE SEPTEMBER BOARD MINUTES BE APPROVED AS AMENDED.

Commercial Fishing Operations/Northern Idaho Lakes: The Board reviewed the proposed form letter which would go out to commercial fishing operations on lakes in north Idaho and discussed the timing of the release of that letter. It was determined that the letters would be mailed out to the mailing list collected through the Fish and Game Department as soon as possible.

The Board recessed for lunch at 1200 hours and reconvened at 1315 hours.

Randy Hess: The Board met with Mr. Hess regarding his letter to the Board on September 28, 1985, requesting exceptions to Rules 26(a) and 26(b) and also requesting an extension to his outfitter activities to conduct backpacking, rock climbing, and cross-country skiing. Following the interview, MSC (Farr--Salter) THAT RANDY HESS' REQUEST FOR EXCEPTION TO RULES 26(a) AND 26(b) BE APPROVED WITH A GUIDE RATIO OF ONE GUIDE PER SIX PERSONS IN THE INFLATABLE KAYAKS. ALSO THAT A GUIDE RATIO OF ONE GUIDE TO FOUR PERSONS IN THE HARDSHELL KAYAKS FROM STANLEY TO ROUGH CREEK BE APPROVED. With regard to the request for other activities, Mr. Hess was requested to submit an operating plan together with maps and area description detailing his proposed use of the area requested. Action will be postponed until the Board reviews the operating plan and coordinates this with the Forest Service.

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John Kenneth Purcell: The Board interviewed Mr. Purcell with regard to his outfitter license application to conduct a power boat fishing operation on Lake Coeur d'Alene. Following the interview with Mr. Purcell, MSC (Meiners--Farr) THAT THE APPLICATION BE APPROVED AS SUBMITTED.

Jon McGregor: The Board interviewed Mr. McGregor from Thatcher, Idaho, who is making application with the Board to purchase the Middle Fork portion of Teton Expeditions, Inc.'s business. In order to avoid conflict of interest in consideration of this matter, Chairman Foster withdrew as Chairman of the Board for this transaction and Vice Chairman Meiners was asked to conduct this interview. MSC (Farr--Salter; Foster abstained) THAT THE APPLICATION OF JON MCGREGOR DBA SUN VALLEY RIVERS TO PURCHASE THE MIDDLE FORK OPERATIONS OF TETON EXPEDITIONS, INC. BE APPROVED SUBJECT TO COMPLETION.

December Board Meeting: The Board established the December meeting dates to be November 30 through December 5, 1985, with a possible clean-up day on December 6, 1985.

Rules Hearing: The Board set a rules hearing date for Saturday, November 30, 1985, from 3:00 p.m. to 6:00 p.m.

After discussing the proposed rules package, the Board recessed at 1800 hours, reconvening at 0830 on Tuesday, October 1, 1985.

Gary D. Haight: The Board reviewed Mr. Haight's guide license application which was received September 12, 1985, and because of a Fish and Game citation was held for full Board consideration. Following a review of the file, MSC (Farr--Meiners) THAT THE GUIDE LICENSE APPLICATION BE APPROVED AS SUBMITTED AND THE LICENSE BE ISSUED.

Doyle Sears: The Board reviewed the file of Mr. Sears and his record of Fish and Game citations and convictions, following which MSC (Salter--Farr) THAT THE GUIDE LICENSE APPLICATION BE DENIED BASED ON THE 1984 FISH AND GAME VIOLATIONS. [See Idaho Code 36-2109(c) and 36-2113(a)6]

Gary J. Cantrell: The Board reviewed the guide license application of Mr. Cantrell and his Fish and Game warning citation issued May 27, 1984, following which MSC (Salter--Meiners) THAT THE GUIDE LICENSE APPLICATION BE APPROVED AND THE LICENSE BE ISSUED AS REQUESTED.

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Gene A. Capps: The Board reviewed the guide license application of Mr. Capps and his Fish and Game citation and warning citation, following which MSC (Salter--Meiners) THAT THE GUIDE LICENSE BE ISSUED ON A PROBATIONARY BASIS.

Hershel Coulter: MSC (Salter--Meiners) THAT THE BOARD CONTACT THE DEPARTMENT OF FISH AND GAME AND THE U.S. FOREST SERVICE AND ADVISE THEM THAT THERE IS A POSSIBILITY THAT MR. COULTER'S AREA WILL BE VACANT AND ASK FOR THEIR INPUT AS TO WHETHER OR NOT ANY, ALL, OR ANY PART OF THE AREA SHOULD BE RE-LICENSED WITH SPECIFIC REGARD TO THE INDIVIDUAL SPECIES AND ACTIVITIES.

Sheep Hunting Policy: The Board reviewed its policy with regard to special and/or permitted hunts for sheep hunting activities and determined that this policy should be broadened to include the special hunting of sheep, goats, moose, and antelope. The policy established by the Board is as follows:

- (1) That the outfitter have a properly "permitted" goat, sheep, moose, and/or antelope hunter client and that his name and address, permit number, area in which the permit is drawn, and date of hunt be submitted to the Board sufficiently in advance of the proposed hunt for the Board to approve or disapprove such hunt and notify the outfitter by return mail.
- (2) That proper notification be given the appropriate land managing agency.
- (3) That the outfitter in whose area the hunt is to be conducted be properly notified.
- (4) That every effort be made to coordinate the proposed hunting activities with those of the outfitter routinely licensed to hunt big game in the area involved. Notification of the outfitter that the hunt has been approved by the Board is the Board's responsibility, but coordination of activities is the responsibility of the outfitter who will conduct the proposed hunt.

Robert L. Hennefer: The Board again reviewed Mr. Hennefer's situation in view of the hearing which was scheduled for 0900 hours to consider revocation of his outfitter license for failure to supply a current bond. The Board also reviewed in this context recent telephone conversations with Mrs. Hennefer and the Hennefer's bonding agent, Mr. Craig S. Hadden. In view of the fact that the Hennefer's were unable to attend the scheduled hearing and the assurance that a valid bond was being processed, such assurance being given by both the outfitter and the bonding

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agent, MSC (Meiners--Salter) THAT THE BOARD WILL ALLOW THE LICENSE TO CONTINUE PENDING RECEIPT OF A VALID EXECUTED BOND BY WEDNESDAY, OCTOBER 16, 1985. IF BY THAT DATE A VALID BOND HAS NOT BEEN RECEIVED IN THE OUTFITTERS AND GUIDES BOARD OFFICES, MR. HENNEFER'S LICENSE WILL BE FORTHWITH SUSPENDED.

Gerald Kooyers: The Board reviewed Mr. Kooyers' letter of September 24, 1985, written in response to the Board's letter of September 13, 1985. It was determined that the Board would take no further action at this time against Salmon River Challenge. The Board will write Mr. Kooyers and thank him for his timely response.

Guided Outdoor Adventure Tours, Inc.: The Board reviewed the correspondence between Guided Outdoor Adventure Tours, Inc. and Mr. Vinson Johnson, Managing Agent for Wild Rivers West, Inc. Following such review, MSC (Meiners--Salter) THAT THE LICENSE FORMERLY ISSUED TO GUIDED OUTDOOR ADVENTURE TOURS, INC. FOR A FLOAT BOATING OPERATION ON THE SALMON RIVER, NORTH FORK TO CORN CREEK, AND ON THE SALMON RIVER, CORN CREEK TO SPRING BAR, BE RE-ISSUED TO WILD RIVERS WEST, INC./VINSON JOHNSON, MANAGING AGENT, IN ACCORDANCE WITH THE RELINQUISHMENT OF INTEREST RECEIVED SEPTEMBER 23, 1985, AND THE LETTER FROM THOMAS B. AMBERSON, TREASURER FOR GUIDED OUTDOOR ADVENTURE TOURS, INC., SUBMITTED AUGUST 22, 1985, AND SUBJECT TO COMPLETION OF MR. JOHNSON'S APPLICATION.

Martin Capps: MSC (Salter--Farr) THAT A LETTER BE WRITTEN TO MR. CAPPS EXPLAINING THAT WHEN HE SOLD HIS MIDDLE FORK FLOATING BUSINESS IN 1978 TO SEVEN INVESTORS, INC. DBA IDAHO RIVER COMPANY, THAT INADVERTENTLY HIS STATE LICENSE WAS NOT AMENDED TO DELETE THAT ACTIVITY AND AREA. ACCORDINGLY, HE SHOULD BE ADVISED THAT HIS LICENSE IS NOW BEING AMENDED TO DELETE THE MIDDLE FORK.

Sun Valley Outfitters, Inc./Brian Brockette, Managing Agent: The Board reviewed Mr. Brockette's letter of September 9, 1985, requesting an amendment to add upland game birds and migratory waterfowl to his outfitter license. MSC (Meiners--Farr) THAT MR. BROCKETTE'S REQUEST BE DENIED AND HE BE GIVEN APPROPRIATE NOTIFICATION. THE BASIS FOR DENIAL WILL BE IDAHO CODE 36-2109 AND THE PUBLIC HEARING WHICH WAS HELD ON JUNE 23, 1980, RELATIVE TO WILLIS B. BENJAMIN'S REQUEST FOR AN OUTFITTER LICENSE TO CONDUCT SIMILAR ACTIVITIES. FURTHER, THE BOARD RE-AFFIRMED ITS POSITION ON MAY 2, 1984, WHEN IT DENIED A SIMILAR REQUEST MADE BY WILLIAM MASON/THE SNUG COMPANY.

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Michael L. Luther: The Board met with Mr. & Mrs. Luther regarding the purchase of a power boating outfitter business from Bob Smith on the Snake River, Hells Canyon Dam to Lewiston. MSC (Salter--Farr) THAT THE APPLICATION OF MICHAEL AND JODY LUTHER TO PURCHASE BOB SMITH'S LICENSED OPERATION ON THE SNAKE RIVER FROM HELLS CANYON DAM TO LEWISTON BE APPROVED AND THAT CHUKAR HUNTING BE ADDED TO THE LICENSE (IE: THE LICENSE WILL BE FOR POWER BOATING, FISHING, AND CHUKAR HUNTING ON THE SNAKE RIVER FROM HELLS CANYON DAM TO LEWISTON).

Dell Robertson: The Board reviewed Mr. Robertson's guide license application requesting to be a hunting guide for elk and deer to work for Marriner Jensen. The Board reviewed the Fish and Game citations which were issued for trapping violations and following this review MSC (Farr--Salter) THAT THE LICENSE BE ISSUED ON A PROBATIONARY BASIS.

Ronald J. Beitelspacher: The Board reviewed the letter of September 27, 1985, from Senator Beitelspacher requesting that the limit of six guests be removed from his license and be changed to a limitation of 60 mandays. Following this review, MSC (Salter--Farr) THAT RONALD J. BEITELSPACHER'S LICENSE BE AMENDED BY DELETING THE LIMITATION OF SIX HUNTERS AND INSERTING THE LIMITATION OF 60 MANDAYS FOR HUNTING.

Pebble Creek Ski Area, Ltd.: The Board reviewed the letter from John C. Lym, General Partner for Pebble Creek Ski Area of Pocatello, dated September 24, 1985. The letter requests that the Board waive the late fee requirement because the application and bond were late for reasons beyond the control of the outfitter. Following a review of this material, MSC (Farr--Meiners) THAT THE WAIVER OF LATE FEE BE GRANTED.

Sun Valley Trekking Company: The Board reviewed Bob Jonas' letter of September 26, 1985, and the operating plan requesting that his license be amended to add a dog sled operation. Following a review of these materials, MSC (Salter--Meiners) THAT THE AMENDMENT BE APPROVED AS REQUESTED.

John D. Patterson: The Board reviewed a letter from Mr. Patterson dated September 27, 1985, and reviewed his request for a license amendment to add power boating on the Snake River, Pittsburg Landing to Lewiston, to his qualified activities on his guide license. It also reviewed the lease and employment agreement between Mr. Patterson and Mr. Bream. MSC (Meiners--Farr) THAT MR. PATTERSON'S REQUEST TO AMEND HIS GUIDE LICENSE TO SHOW QUALIFICATIONS FOR POWER BOATING ON THE SNAKE RIVER (PITTSBURG LANDING TO LEWISTON) BE APPROVED, BUT THAT MR. PATTERSON AND MR. BREAM BE ADVISED THAT THE BOARD FEELS THAT THE

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LEASE AGREEMENT IS STILL A THIRD-PARTY ARRANGEMENT AND THAT IT NEEDS TO BE MODIFIED TO REFLECT A STRAIGHT LEASE OF THE BOAT WITH MR. PATTERSON BEING EMPLOYED ON A FLAT-SALARY BASIS FOR SERVICES RENDERED.

62 Ridge Outfitters: The Board reviewed the complaint against 62 Ridge Outfitters by Jack Tuso and Lester Scott and determined that it would contact Emil Peck of the Forest Service, the client hunting with Smith's guide, and outfitter Dick Norris to see if it can find out more information about the private party and the activities that transpired on this occasion.

Don Wilson: The Board reviewed the correspondence between Don Wilson and Lawrence Clark involving the complaint of Mr. Clark against Mr. Wilson's operation and determined that contact would be made with Jon Bledsoe of the Forest Service to find out what course of action the Forest Service had taken in investigating this complaint and what course of action they would recommend in resolving this complaint.

Leo Crane: The Board reviewed a complaint signed by Steve W. Setter against Mr. Crane, Clearwater Outfitters, dated September 16, 1985, and determined that it would write Mr. Crane and request an explanation as to why he had not responded to Mr. Setter and as to what his perception was of the balance which should be refunded to the complainant.

Jeff Bitton/Mystic Saddle Ranches: The Board reviewed the complaint against Mr. Bitton dated August 22, 1985, and signed by Kay Martin and determined that it would send an investigator in to examine the animals used by Mr. Bitton, to interview Mr. Bitton, and to write a written report back to the Board.

Dave Shaw: The Board reviewed the complaint against Mr. Shaw and the letter received from Olin Gardner in reference thereto dated August 5, 1985. It concluded that this would be a matter of continued investigation by enforcement personnel, but no further action would be taken by the Board at this time.

Mackay Bar: The Board reviewed the correspondence from Ed McCallum and guides regarding Mackay Bar and the manager of the Stonebreaker Ranch whose name is Ernie and concluded that letters would be written to Ken Olsen inquiring as to whether he had knowledge of this situation and what he might propose as a solution to the problem. Also, a letter would be written to Ed McCallum inquiring as to whether the situation had improved or worsened or whether the problem still existed.

The Board meeting recessed at 1730 hours and reconvened at 0830 hours on Wednesday, October 2, 1985.

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Quarterly Financial Report: The Board reviewed the printout on the fiscal situation at the end of the first quarter of the fiscal year and noted that 26% of the appropriation had been expended in 25% of the fiscal year.

Dr. Glenn R. Potter: The Board interviewed Dr. Potter who is replacing Bill Bowman as Managing Agent for Boise State University. MSC (Meiners--Salter) THAT DR. POTTER'S APPLICATION FOR MANAGING AGENT, REPLACING BILL BOWMAN, AT BOISE STATE UNIVERSITY BE APPROVED PENDING COMPLETION OF THE APPLICATION. (The items necessary for completion of Potter's application are: a completed application form, the bond would have to be amended to reflect his name, and he must remit fees and successfully complete the test. He does not intend to guide so the license would be issued "not qualified" to guide. They are also to submit a statement indicating that David Markham wishes to guide for BSU on a part-time basis and a similar statement should be submitted by David Markham. With regard to the completion of the balance of BSU's license and the amendment addressed in the Board's letter of July 26, 1985, that amendment will be issued when the materials requested in said letter are received and approved by the Board.)

Murtaugh Section of Snake River: MSC (Salter--Farr) THAT THE LICENSED "BOATMEN" ON THE MURTAUGH SECTION OF THE SNAKE RIVER HAVE THEIR LICENSES AMENDED TO READ "LEAD BOATMEN" DUE TO THE RULE CHANGE WHICH RECLASSIFIED THIS RIVER SECTION FROM "UNCLASSIFIED" TO "CLASSIFIED". (This would be by Administrative Amendment without cost to the guides involved.)

Orofino Chamber of Commerce: The Board reviewed the September 10, 1985, letter from the Orofino Chamber of Commerce and determined that a response would be drafted and mailed to the Chamber indicating the status of current rules, current licensees, the Board direction in the future, and indicating that we were doing all the law will allow to help the area.

Rules and Regulations: The Board met with its attorney, Clive Strong, and discussed legal matters pertaining to rules and regulations. It reviewed and approved a proposed rules package for submission to Legislative Counsel and to be advertised for public hearing in Boise on November 30, 1985.

The Board recessed for lunch at 1215 hours and reconvened at 1250 hours.

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John Lewis/Chris Nelson/John A. E. Wilbrecht: The Board reviewed guide license applications of Messrs. Lewis, Nelson, and Wilbrecht, all potential guides for Teton Valley Lodge, Inc./Randy Berry, Managing Agent. It was noted that all three had been cited by the Board for guiding without a license and that the cases were pending in Bonneville County. The Board directed that these applications be held for final Board action following conclusion of pending litigation.

Rule 22.b.: The Board reviewed Rule 22.b., the list of rivers, and the letter from the Forest Service, North Fork Ranger District, concerning the permitted outfitters on the Main Salmon River from Corn Creek to Vinegar Creek and noted that three outfitters listed on the Forest Service list with double launches have single outfitter licenses from the state. These individuals are to be contacted by letter indicating that they have two options: (1) either combine these two launches into a single business entity in which case they will continue to buy one state license and the state Board will cut back on the number of licenses allowed to match the number of licensees, or (2) they will be required to buy two state licenses if they intend to keep the two business entities separate. The three outfitters involved are Grand Canyon Dories, Tour West, and Sierra Western.

Managing Agents: The Board spent some time in discussion on the relationship between Managing Agent and the business, corporation or partnership, and determined that it is possible for a Managing Agent license to indicate that that individual is Managing Agent for one or more business entities.

The Board meeting adjourned at 1600 hours.



GLEN R. FOSTER, Chairman of the Board

ATTEST:



LINDA L. ELWOOD, Administrative Secretary