

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

January 13-18, 1986
Boardroom - Boise, Idaho

The Idaho Outfitters and Guides Board held a public hearing in Cascade, Idaho, on Monday, January 13, 1986, to ascertain public sentiment on the opening of certain lakes and reservoirs to commercial fishing. The hearing convened at 1600 hours and a taped record was made along with a sign-in roster of those people who attended. Glen Foster, William Meiners, and Robert Salter were in attendance at that meeting.

The regular meeting of the Idaho Outfitters and Guides Board convened at 0830 hours on Tuesday, January 14, 1986, with all Board members present.

Rules Package: In reviewing the Rules Package, the Board used the Recap of Written Comments on Proposed Rules Package and Comments/Questions with regard to the Rules Package emanating from the Outfitters and Guides Association meetings in December. No changes were proposed in the Scope section of the new Rules Package. In discussing the definition of "membership", the Board also looked at Rule 9 in which the word "membership" is used and concluded that the second sentence of Rule 9 should be reviewed with Clive Strong, legal counsel, and if this sentence doesn't accomplish anything for the Board (strengthen Rule 9) or if, in fact, goes beyond the legal bounds of the Boards' authority, then we should strike that second sentence from Rule 9 and leave it as it appeared in the old Rulebook. Also discussed in this context, however, was that Rule 9 should be strengthened and should be stated strongly if, in fact, that second sentence is valid in this context. It was suggested that the words "shall be considered prima facie evidence of a violation of the Act or Rules and Regulations" perhaps would even make it stronger. Also in connection with Rule 9, the negative connotation in the first line, if possible, should be changed to the positive so that rather than create a loophole by defining the conditions under which private clubs may be exempt from the law, we can indicate the conditions under which private clubs may be required to obtain an outfitter license and, therefore, come under the purview of the law.

The definition of "membership" should be reworked in the context of Rule 9 and the provisions of Idaho Code 36-2113(a)(13). The Board finds no additional matters of concern in the Definition section of the rules nor in Rules 1 through 4.

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In Rule 5, the Board will strike the wording of Rule 5.b. and replace that wording with the wording of Rule 10.a. in the old Rulebook. And to be consistent with this change, in Rule 17 it will strike the words on the fourth and fifth lines "and is qualified to guide" from that Rule. Rule 5.c. will be reworded to read as follows: "An outfitter's qualifications to guide must be reviewed by the Board and, if approved, he must have both an outfitter and a guide license (see guide license qualifications of these Rules and Regulations)."

Under Rule 6.c., the rewording is: "While an outfitter is employed as a guide by another outfitter, there shall be no sharing of profits or equipment and/or animals other than leased equipment and/or leased animals. An outfitter when employed as a guide may only render personal services as would any other guide."

The Board recessed for lunch at 1200 hours and reconvened at 1300 hours, resuming its review of the Rules Package.

Rule 8.a. will be modified to read as follows: "All licensees must comply with all local, state, and federal laws. They must at all times cooperate fully with private landowners, public land management agencies, and/or stockmen and respect their rights and privileges. They must advise clients of all applicable conservation and game laws and must not condone or willfully allow their violation. They must report all violations to a law enforcement officer."

Ernest Duckworth/Randy Berry: At 1400 hours the Board's legal counsel, Steve Addington, met with the Board and discussed a response to Mrs. Duckworth regarding her letter of December 23, 1985. He also discussed with the Board the matter of the dismissal of charges against the guides employed by and working for Randy Berry. After considerable discussion, it was concluded that the Board would rework the letter drafted to Mrs. Ann Duckworth and, before the letter goes out, would submit it to Steve for review. Also after considerable discussion with regard to the guides of Mr. Berry, the following action was taken:

Chris Nelson/John Wilbrecht/John Lewis: MSC (Meiners--Salter) RELATIVE TO THE GUIDE LICENSE APPLICATIONS OF MESSRS. NELSON, WILBRECHT, AND LEWIS AND THE DISMISSAL OF THEIR CHARGES FOR OPERATING WITHOUT A VALID LICENSE; THAT THE BOARD ADDRESS A LETTER TO THE MAGISTRATE INVOLVED, NAMELY THE MAGISTRATE IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF IDAHO IN AND FOR THE SAID COUNTY OF TETON, EXPRESSING ITS DISPLEASURE WITH THE

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DISMISSAL OF THE COMPLAINTS AGAINST THE INDIVIDUALS. COPIES OF THIS LETTER SHOULD ALSO BE ADDRESSED TO MR. ROY C. MOULTON, TETON COUNTY PROSECUTOR, AND TO THE BOARD'S ATTORNEY ASKING THAT HE EITHER WRITE OR CALL THE PARTIES INVOLVED TO FURTHER COMMUNICATE THE BOARD'S DISPLEASURE. COPIES SHOULD ALSO BE SENT TO ARLO LARSEN AND OTHER PERTINENT PARTIES. MSC (Meiners--Farr) THAT THE GUIDE LICENSE APPLICATIONS OF MESSRS. LEWIS, NELSON, AND WILBRECHT BE ISSUED ON A PROBATIONARY BASIS. FURTHER, THAT AT THE TIME MR. RANDY BERRY MAKES APPLICATION FOR THE 1986 SEASON, THE BOARD CONSIDER ISSUING HIS LICENSE ON A PROBATIONARY BASIS AS WELL. The preceding action is based on a recommendation from and research conducted by Steve Addington, the Board's attorney, as referenced in the Minutes of the November 30-December 6 Board Meeting.

At 1430 hours, Robert Salter left the Board meeting for an appointment with the Idaho Department of Fish and Game, during which time the Board worked on miscellaneous matters, postponing further action on the Rules Package until his return.

David E. Williams: The Board reviewed the licensed area description of Mr. Williams with regard to bear and cougar hunting and noted that he has a bear/cougar hunting area that is within the Lemhi bear/cougar combination area. The Board debated as to whether the redundancy in defined areas should be eliminated from his license, following which MSC (Vaughn--Meiners) THAT UNTIL THE BOARD RESOLVES THE ISSUE ABOUT THE DISPOSITION OF THE COMBINATION AREAS, THESE ORIGINAL BEAR AND/OR COUGAR HUNTING AREAS SHOULD REMAIN ON THE LICENSES OF THOSE INDIVIDUALS INVOLVED.

Flying Resort Ranches: MSC (Meiners--Farr) RELATIVE TO THE LETTER RECEIVED FROM BILL GUTH, MANAGING AGENT FOR FLYING RESORT RANCHES, TO HAVE DAVID WILLIAMS SERVE AS A HUNTING GUIDE THIS FALL, THAT THIS BE APPROVED AND ADDED TO THEIR RESPECTIVE LICENSES UPON RECEIPT OF THE TEN DOLLAR (\$10.00) AMENDMENT FEES.

Robert L. Libertine: MSC (Meiners--Farr) THAT THE GUIDE APPLICATION FOR MR. LIBERTINE BE DENIED ON THE BASIS THAT FROM INVESTIGATION AND RESEARCH REGARDING HIS AMERICAN RED CROSS CARD IT APPEARS TO HAVE BEEN FALSIFIED PER THE RESPONSE TO THE BOARD'S LETTER TO THE GRAND COUNTY CHAPTER OF THE AMERICAN RED CROSS LOCATED IN KREMMLING, COLORADO, DATED DECEMBER 14, 1985, AND PURSUANT TO THE PROVISIONS OF IDAHO CODE 36-2113(a)(1) FOR SUPPLYING FALSE INFORMATION FOR THE PURPOSE OF PROCURING A LICENSE.

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Jon C. Goodman: The Board reviewed the letter of November 19, 1985, mailed to Mr. Goodman, concerning the timing of his spring 1985 bear hunts and the issuance of his 1985-1986 outfitter license. MSC (Meiners--Vaughn) THAT THERE WERE EXTENUATING CIRCUMSTANCES SURROUNDING THE APPLICATION FOR LICENSE IN THE SPRING OF 1985 AND THAT A LETTER BE ADDRESSED TO JOHN TWISS, ACTING DISTRICT RANGER OF THE SELWAY RANGER DISTRICT, ADVISING HIM THE BOARD INTENDS TO TAKE NO FURTHER ACTION AGAINST THE OUTFITTER LICENSE OF JON C. GOODMAN AT THE PRESENT TIME.

Randy Miller: The Board reviewed the Ski Qualification Committee's recommendations on the application of Randy Miller to be licensed for cross-country skiing and rock climbing, following which MSC (Meiners--Vaughn) THE BOARD ADDRESS A LETTER TO DR. POTTER AT BOISE STATE UNIVERSITY INDICATING THAT IT FINDS MR. MILLER NOT QUALIFIED TO GUIDE FOR TECHNICAL ROCK CLIMBING AND CROSS-COUNTRY SKIING, THAT HE SHOULD SUBMIT QUALIFICATIONS OF AN APPROPRIATE GUIDE, AND THAT UNTIL SUCH QUALIFICATIONS ARE RECEIVED AND A GUIDE LICENSE ISSUED, BOISE STATE UNIVERSITY SHOULD REFRAIN FROM CONDUCTING THESE WINTER ACTIVITIES.

Richard E. Grunch: The Board reviewed the letter received January 2, 1986, from Mr. Grunch and the complaint regarding the treatment of his animals. The Board also reviewed, in this context, Mr. Grunch's probationary status following which MSC (Farr--Vaughn) THAT A LETTER BE SENT TO RICHARD E. GRUNCH REQUESTING THE NAMES AND ADDRESSES OF THE 27 HUNTERS WHICH HE TOOK OUT IN THE FALL OF 1985 AND THAT FOLLOWING THE RECEIPT OF THESE NAMES, A FORM LETTER BE DIRECTED TO THE ATTENTION OF THE HUNTERS ASKING FOR THEIR APPRAISAL OF THE QUALITY OF OUTFITTER SERVICES OFFERED BY MR. GRUNCH. SPECIFICALLY, THE LETTER SHOULD ADDRESS THE QUALITY OF GUIDE SERVICE, QUALITY AND CONDITION OF CAMPS, PRIVACY AFFORDED THE CLIENTS, SANITATION IN CONNECTION WITH MEALS AND FOOD PREPARATION AND THE FACILITIES IN GENERAL, THE TREATMENT OF ANIMALS, AND THE QUALITY OF EQUIPMENT. THE HUNTERS SHOULD ALSO BE ASKED TO IDENTIFY THE AREA IN WHICH THEY HUNTED WITH MR. GRUNCH, THAT IS THE NAMES OF CAMPS, DRAINAGES, OR THE AREA. FOLLOWING RECEIPT OF MATERIALS BACK FROM CLIENTS, THE BOARD WILL EVALUATE THE RESPONSES AND DETERMINE WHETHER MR. GRUNCH WILL BE ALLOWED TO CONTINUE AS AN OUTFITTER. LETTERS WILL ALSO BE SENT TO GARY REYNOLDS OF THE AVERY RANGER STATION AND TO BRYAN TO ASCERTAIN IF THEY HAVE ANY PROBLEMS WITH MR. GRUNCH.

Robert Salter returned to the Board meeting during the discussion on Mr. Grunch and was present during the voting on the action taken.

March Board Meeting: The Board set the March meeting dates as March 4-7, 1986.

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The Board recessed at 1730 hours and reconvened on Wednesday, January 15, 1986, at 0830 hours.

Three Rivers Ranch: At 0900 hours a hearing was held on the Board's denial of Three Rivers Ranch request to conduct float boating operations on the South Fork of the Snake River and on the segment of the Henry's Fork from Henry's Lake Outlet to Hatchery Ford. Present for this matter were: all Board members; Steve Addington, the Board's legal counsel; Linda Elwood, the Board's Administrative Secretary; Donald R. Simmons, Managing Agent for Three Rivers Ranch; and Attorney Karl Shurtliff who represented Three Rivers Ranch. Because he is a licensee on those portions of the Snake River in question, Chairman Glen Foster turned the meeting over to Vice Chairman William Meiners. Mr. Shurtliff also noted that Mr. Foster is one of the principal owners of Teton Expeditions, Inc. and asked that he not participate in the decision-making process of the Board relative to this matter. The Board assured Mr. Shurtliff that this would be the case and took official notice of its files pertaining to this matter, its Rules and Regulations, and the Outfitters and Guides Act at the request of Mr. Shurtliff.

In his opening statement, Mr. Shurtliff referred the Board to Idaho Code 36-2107(d) indicating the limitation of the numbers of outfitters and boats on any river segment as outlined in Rule 22 went beyond the scope of the intent of the law. He also referred to Idaho Code 36-2113(13) noting the Board has been derelict in adhering to this mandate and that even the proposed nonuse rules would not have any effect until 1989-1990. Mr. Simmons was then sworn in and testified as to the use levels of the current licensees on the contested river segment: Fly Fishing, International; Henry's Fork Anglers; Bob Jacklin's Fly Shop; Alpenhaus Motel & Fly Shop; Teton Expeditions, Inc.; Teton Valley Lodge, Inc.; and The Trout Shop.

Steve Addington then presented the Board's position, noting that limitations have been set forth in Rules and Regulations promulgated under the Outfitters and Guides Act and, therefore, the Board had no option but to deny the request of Three Rivers Ranch.

Following closing arguments by Mr. Shurtliff, this hearing closed at 1010 hours.

Larry Jarrett: At 1020 hours Mr. Jarrett and his attorney, John Sutton, met with the Board and requested that the hearing on the denial of Mr. Jarrett's request for a change in the boundary of his licensed area of operation be continued until tomorrow when Dalbert Allmon and Ronald Sherer would also be in attendance. The Board concurred in this.

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Kurt Selisch: Following an interview with Mr. Selisch concerning the purchase of David Mills' Middle Fork River Business #1 and the discussion of qualifications, MSC (Farr--Meiners) THAT THE OUTFITTER APPLICATION OF KURT SELISCH BE APPROVED PENDING COMPLETION.

The Board recessed for lunch at 1200 hours and reconvened at 1300 hours.

Al Latch/Ron Beitelspacher: The Board reviewed the application of Messrs. Latch and Beitelspacher for amendments to their respective licenses to allow Mr. Latch to guide for Mr. Beitelspacher during the cougar hunting season. Also reviewed was the Contract for Lease of Mr. Latch's dogs, following which MSC (Meiners--Vaughn; Salter voted "no") THAT THE REQUEST OF MESSRS. LATCH AND BEITELSPACHER FOR MR. LATCH TO BE A GUIDE FOR MR. BEITELSPACHER FOR THE 1985-1986 COUGAR SEASON BE APPROVED, BUT BEFORE THIS APPROVAL IS SENT OUT A LETTER IS TO BE REQUESTED FROM MR. BEITELSPACHER TO CLARIFY THE EMPLOYER/EMPLOYEE RELATIONSHIP AND WHATEVER EQUIPMENT AND/OR ANIMAL LEASE AGREEMENTS THAT MAY BE INVOLVED AND THAT THIS THEN BE CONSIDERED AS AN AMENDMENT TO THEIR RESPECTIVE LICENSES AND ISSUED AND THAT A \$10.00 AMENDMENT FEE BE ASSESSED.

Salmon River Guide Service/Jim Powell, Managing Agent: MSC (Vaughn--Meiners) THAT THE AREA FORMERLY LICENSED TO MR. POWELL BE DECLARED OPEN AS HE HAS NOT RENEWED HIS 1985-1986 LICENSE. A LETTER WILL BE SENT TO MR. POWELL INFORMING HIM OF THIS ACTION ALONG WITH A DA-8 FOR A REFUND OF HIS MONIES. RESEARCH WILL ALSO BE CONDUCTED WITH THE IDAHO DEPARTMENT OF FISH AND GAME AND THE U.S. FOREST SERVICE REGARDING THE RELICENSING OF THIS AREA.

Hershel Coulter: The Board reviewed the Hershel Coulter case and the Board Minutes from November 1985. Following a telephone call to the Prosecutor's office in Valley County and a review of Rule 23 of the Board's Rules and Regulations, MSC (Vaughn--Meiners) THAT THE AREA FORMERLY LICENSED TO HERSHEL COULTER BE DECLARED OPEN FOR RE-LICENSING TO OTHER APPLICANTS DUE TO THE FACT THAT MR. COULTER WAS CONVICTED IN COURT OF VIOLATIONS OF FISH AND GAME LAWS AND VIOLATIONS OF THE IDAHO OUTFITTERS AND GUIDES ACT AND THAT CURRENTLY THERE IS NO APPLICATION ON FILE FOR MR. COULTER TO BE RELICENSED IN 1985-1986. ACCORDINGLY, APPROPRIATE RESEARCH IS TO BE EXPEDITED TO RELICENSE THIS AREA TO OTHER INTERESTED PARTIES.

Jim Powell Area: Following discussion of the ultimate disposition of this area, MSC (Salter--Farr) THAT THE BOARD WRITE LETTERS SIMILAR TO THOSE SENT ON THE HERSHEL COULTER AREA TO THE IDAHO DEPARTMENT OF FISH AND GAME AND THE U.S. FOREST SERVICE

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REQUESTING RECOMMENDATIONS ON THE RELICENSING OF THIS AREA. THESE LETTERS SHOULD INDICATE THAT THE BOARD IS CONSIDERING PERHAPS TWO ALTERNATIVES: (1) THE POSSIBILITY OF SPLITTING UP THIS AREA AND INTEGRATING IT WITH THE SPLINTERS FROM THE COULTER AREA WHICH WAS THE SUBJECT OF EARLIER RESEARCH, AND (2) RELICENSING THIS AREA AS AN ENTIRE UNIT TO SOME NEW OPERATOR HAVING A VALID BASE OF OPERATION.

The Board then recessed at 1500 hours to attend the public hearing at the Boise Public Library concerning the issue of opening waters on reservoirs and lakes for commercial fishing activities, following which the Board recessed until 0800 hours on Thursday, January 16, 1986.

Larry Jarrett/Dalbert Allmon/Ronald Sherer: At 0830 hours the Board met with Messrs. Jarrett, Allmon, and Sherer concerning a boundary dispute and overlapping cougar hunting activities. MSC (Meiners--Farr) THAT THE BOARD (IN CONSIDERATION OF DISCUSSIONS WITH MESSRS. JARRETT, ALLMON, AND SHERER REGARDING BOUNDARY ADJUSTMENTS TO RESOLVE THE "STACKED" HUNTING ACTIVITIES BETWEEN JARRETT AND SHERER, JARRETT AND ALLMON, SHERER AND ALLMON, AND JARRETT/ALLMON/MEHOLCHICK) AMEND AND ADJUST RESPECTIVE LICENSED AREA BOUNDARIES AS FOLLOWS:

(1) JARRETT/SHERER OVERLAP - (A) THAT THE SHERER COUGAR HUNTING AREA (SHERER AREA 1) BE MOVED NORTH TO COINCIDE WITH JARRETT'S CURRENT COUGAR HUNTING AREA BOUNDARY ALONG RATTLESNAKE CREEK, AND (B) THAT SHERER'S (AREA 2) BEAR HUNTING ONLY BOUNDARY BE DESCRIBED TO INCLUDE THAT PORTION REMOVED FROM COUGAR HUNTING AND DOES REMAIN AS IS CURRENTLY DRAWN (SEE ADDENDUM 1).

(2) JARRETT/ALLMON OVERLAP - THAT THE BOARD CONCUR WITH THE AGREEMENT BY AND BETWEEN JARRETT AND ALLMON AND MOVE THE AREA BOUNDARY WEST TO THE WESTERN FALL CREEK/SOUTH FORK BOISE RIVER WATERSHED BOUNDARY (SEE ADDENDUM 2). This change is for cougar hunting only.

(3) SHERER/ALLMON OVERLAP - THAT THE BOARD ADJUST SHERER'S BEAR HUNTING AREA BOUNDARY (SHERER AREA 2) WEST TO COINCIDE WITH THE JARRETT/ALLMON BOUNDARY (SEE ADDENDUM 3).

(4) JARRETT/ALLMON/MEHOLCHICK OVERLAP - THAT THE BOARD ACCEPT ALLMON'S RELINQUISHMENT OF THE AREA TO WHICH HE IS CURRENTLY LICENSED FOR COUGAR HUNTING IN OWYHEE COUNTY (FISH AND GAME MANAGEMENT UNITS 40 AND 42) AND THAT THE BOARD MAKE EVERY EFFORT TO EXPLORE WITH THE IDAHO DEPARTMENT OF FISH AND GAME AND THE U.S. FOREST SERVICE THE POSSIBILITY OF EXTENDING ALLMON'S AREA EAST OF THE SOUTH FORK BOISE RIVER IN FISH AND GAME MANAGEMENT UNIT 43 FOR BOTH BEAR AND COUGAR HUNTING ACTIVITIES. HOWEVER,

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MR. ALLMON WILL NEED TO SUBMIT A MAP AND AREA DESCRIPTION TO IDENTIFY THAT AREA DESIRED AS WELL AS A PLAN OF OPERATION ON HOW HE WOULD PROPOSE TO UTILIZE THE AREA BEFORE THE BOARD WILL BE ENABLED TO CONDUCT ITS NECESSARY RESEARCH TO ACCOMMODATE HIS REQUESTED LICENSE AMENDMENT.

(5) JARRETT/MEHOLCHICK OVERLAP IN OWYHEE COUNTY - THAT IN ACCORDANCE WITH MR. JARRETT'S CONSENT, HIS AREA OF OPERATION WILL BE MODIFIED TO ELIMINATE THE OVERLAP WITH MR. MEHOLCHICK (SEE ADDENDUM 4).

Dan Rothoff/Garden Valley Outfitters: The Board reviewed the letter of complaint signed by Earl Maggard received January 10, 1986, concerning an alleged contract between Messrs. Maggard and Rothoff. Following a review of the file, MSC (Farr--Meiners) THAT THE DOCUMENTS RECEIVED FROM MR. MAGGARD BE REVIEWED WITH THE BOARD'S ATTORNEY TO DETERMINE WHETHER THE BOARD HAS LEGAL JURISDICTION TO GET INVOLVED IN THIS DISPUTE FOLLOWING WHICH, IF THE ATTORNEY CONCURS, THE BOARD SET APPOINTMENT TIMES WITH GARN CHRISTENSEN, EARL MAGGARD, AND DAN ROTHOFF. HOWEVER, THE APPOINTMENTS SHOULD BE SCHEDULED SO THAT MESSRS. CHRISTENSEN AND MAGGARD COME IN TO MEET WITH THE BOARD PRIOR TO MEETING WITH MR. ROTHOFF.

Don Wilson/Tom "Tuck" Russell: The Board reviewed the letters of complaint against Messrs. Wilson and Russell. MSC (Salter--Farr) THAT A LETTER BE SENT TO BOTH "TUCK", A GUIDE, AND TO DON WILSON, HIS EMPLOYING OUTFITTER IN 1985, ASKING "TUCK" TO APPEAR BEFORE THE BOARD TO EXPLAIN HIS ACTIONS DURING THE HUNT WITH LEONARD SERPA AND WILLIAM RUGGERILLO. FURTHER, THE BOARD WILL NOT ISSUE A 1986-1987 LICENSE TO MR. RUSSELL UNTIL HE MEETS WITH THE BOARD.

The Board then recessed for lunch at 1200 hours and reconvened at 1300 hours.

Ronald Sherer/Dalbert Allmon: The Board met with Norris Stimpson who had gone hunting with Mr. Sherer and discussed same. Following the discussion on the alleged violation of state law by Messrs. Sherer and Allmon, MSC (Vaughn--Salter; Meiners abstained) THAT A STRONG LETTER OF REPRIMAND BE WRITTEN TO MESSRS SHERER AND ALLMON OUTLINING THE ALLEGED INFRACTIONS OF STATE LAW AND/OR RULES AND REGULATIONS AND INDICATING THAT THE BOARD EXPECTS FULL COMPLIANCE WITH SUCH IN THE FUTURE. (In the letter we will indicate that in the future there needs to be Board approval for them to guide for each other indicated on their licenses on an annual basis. If they intend to share equipment or animals, there needs to be appropriate leases for such. The letters should further indicate that ethically for professional outfitters to hunt indiscriminately in other outfitter's areas is not highly regarded by the Board and that there should be some attempt to curtail these activities.)

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Don Waller/Jerry Wilcox: The Board then interviewed Messrs. Waller and Wilcox concerning an outfitter license application they have submitted for the old Kim Horrocks' area. It was indicated that this area is under Forest Service and Board study and that a decision cannot be rendered on the relicensing of this area until the conclusion of the study.

Ron Legg/John Goodwin: The Board then interviewed Messrs. Legg and Goodwin who have submitted outfitter license applications for the Quentin Selby area. Again, the Board indicated that this area was currently under Board and Forest Service study and that a decision could not be made until the completion of the study.

Bobby Crick: The Board then reviewed the letter of complaint from Marion F. Jones, Jr. with regards to Mr. Crick, following which MSC (Salter--Farr) THAT THE BOARD WRITE A LETTER TO MR. CRICK INDICATING THE STATUS OF THE BOARD'S CORRESPONDENCE WITH MR. JONES AND REQUESTING MR. CRICK'S EARLY ATTENTION TO THIS MATTER AND THAT HE SEND THE BOARD CONFIRMATION THAT IT HAS BEEN SATISFACTORILY RESOLVED. MR. CRICK'S FILE SHOULD ALSO BE MARKED SO THAT A 1986-1987 LICENSE DOES NOT GO OUT UNTIL THIS MATTER IS COMPLETELY RESOLVED.

Steve Guinn: The Board reviewed the situation with Mr. Guinn and noted that his file should be flagged so that until and/or unless he responds to the Board's letter, his 1986-1987 license will not be issued.

Sam Whitten: The Board reviewed the complaint letter from Shepp Ranch against Mr. Whitten and his jet boating of people up the Salmon River and concluded that, as this matter had already been fully discussed with Mr. Whitten and his partner, a letter would be written to Mr. Resnick indicating that the Board had discussed this matter with Messrs. Whitten and Hinckley, that there was assurance from the two outfitters that this practice would be discontinued immediately and would not be repeated in the future.

Board Minutes: MSC (Meiners--Salter) THAT THE NOVEMBER 30-DECEMBER 6, 1985, BOARD MINUTES BE APPROVED AS CORRECTED AND THAT THE MINUTES OF THE INTER-AGENCY MEETING BE APPROVED.

Stanley Potts/Scott Farr: The Board reviewed the letter from Mr. Potts dated January 14, 1986, regarding the overlap between Messrs. Potts and Farr, following which MSC (Meiners--Vaughn; Farr & Salter abstained) FROM A REVIEW OF THE FILE THAT THE BOARD RE-AFFIRM ITS LETTER OF DECEMBER 19, 1985, TO MR. POTTS AS THE FINAL BOARD ACTION IN THIS MATTER.

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Larry Cross: The Board reviewed the complaint file of Mr. Cross and determined that its letter to Mr. Cross of December 20, 1985, was conclusive in this matter and no additional response is necessary.

The Chairman called the BLM at Cottonwood and spoke with LuVerne Grussing about the day-use section of the Salmon from Riggins to Hammer Creek and the request of Mr. Ken Jacks to purchase the Lower Salmon portion of Gerald Kooyers' operation.

The Board then recessed at 1700 hours and reconvened at 0830 hours on Friday, January 17, 1986.

Ken Jacks: The Board reviewed Mr. Jacks' application for an outfitter license on the lower Salmon from Hammer Creek to the confluence, following which MSC (Vaughn--Farr) THAT THE REQUIREMENT FOR MR. JACKS TO MEET BEFORE THE BOARD BE WAIVED BUT THAT, BEFORE A LICENSE CAN BE APPROVED AND ISSUED, MR. JACKS MUST SUBMIT A CONTRACT OF SALE BETWEEN GERALD KOOYERS AND KEN JACKS THAT INCLUDES THE LIST OF EQUIPMENT AND OTHER FINANCIAL DETAILS AS WITH OTHER APPLICANTS. ONCE THE APPROPRIATE MATERIAL HAS BEEN RECEIVED IN GOOD FORM, THE LICENSE CAN BE ISSUED. FURTHER, LUVERNE GRUSSING OF THE BLM SHOULD BE CONTACTED AND INFORMED OF THE BOARD'S DECISION ON THIS MATTER.

Peter Grubb: The Board reviewed the request by Mr. Grubb to amend his outfitter license to include the Snake River, Hells Canyon Dam to Lewiston, as a purchase transaction from Gerald Kooyers, Salmon River Challenge, following which MSC (Vaughn--Meiners) THAT THIS TRANSACTION BE APPROVED FOLLOWING RECEIPT OF THE FOLLOWING DOCUMENTS IN GOOD FORM: SALES CONTRACT DETAILING FINANCIAL TRANSACTION, EQUIPMENT TRADED AND OTHER RELEVANT DATA, AND THE SUPPLEMENTAL FORM SIGNED BY ART SEAMANS OF HCNRA.

Memorandum of Understanding: At 0900 hours the Board met with representatives of the U.S. Forest Service to consider further policy matters relative to implementation of the MOU. Present representing the Forest Service were Frank McElwain, Jim Dolan, Art Seamans, Bob Entwistle, and Clem Pope. Documents and/or procedures agreed upon were: (1) Form and process for annual evaluation of outfitters; (2) Basic procedure for evaluating areas for outfitter opportunity and selection of outfitters for licenses/permits both for new outfitters and for the transfer of existing businesses; (3) Procedure for evaluating the areas formerly licensed to Kim Horrocks and to Quentin Selby.

Following the conclusion of the meeting with Forest Service personnel, the Board recessed for lunch at 1230 hours and reconvened at 1330 hours, continuing its consideration of general Board business.

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Devil's Bedstead Ranch/Timothy M. Gardiner, Managing Agent: MSC (Meiners--Vaughn) THAT A LETTER SHOULD BE SENT TO BRUCE COLLIER FROM THE LAW FIRM OF KNEELAND, LEGAS, KORB, COLLIER, BENJAMIN, AND RUSSELL NOTIFYING HIM THAT THE BOARD HAS RECEIVED A REQUEST TO TRANSFER GARDINER'S INTEREST TO THE DEVIL'S BEDSTEAD RANCH AND ASK THEM IF THE LITIGATION IS CURRENT AND IF THEY HAVE ANY PROBLEM WITH THIS TRANSFER. A COPY OF THIS LETTER SHOULD BE SENT TO MR. GARDINER.

Black Bear Moratorium: MSC (Salter--Meiners) THAT THE BOARD'S POLICY OF JUNE 29, 1983, WHICH REMOVED THE MORATORIUM ON THE ISSUING OF LICENSES FOR THE HUNTING OF BLACK BEAR IN MANAGEMENT UNITS 2 AND 3, BE AMENDED TO LIFT THE MORATORIUM ALSO IN UNITS 1, 4, AND 5; PROVIDED FURTHER THAT IN THE FUTURE, AS APPLICATIONS ARE RECEIVED FOR BEAR HUNTING, THEY WILL BE REFERRED ON AN INDIVIDUAL BASIS TO THE DEPARTMENT OF FISH AND GAME FOR RECOMMENDATION. A copy of this action taken by the Board should be forwarded to the Department of Fish and Game for their information.

Mike Stockton: MSC (Salter--Vaughn) THAT A DECISION ON MR. STOCKTON'S REQUEST TO ADD BEAR HUNTING TO HIS LICENSE BE DEFERRED UNTIL A RESPONSE IS RECEIVED TO THE BOARD'S DECEMBER 20, 1985, LETTER TO THE DEPARTMENT OF FISH AND GAME.

Harry Vaughn: MSC (Salter--Meiners; Vaughn abstained) THAT MR. VAUGHN'S REQUEST FOR AN AMENDMENT TO ALLOW THE USE OF A POWER BOAT FOR CROSSING THE CLEARWATER RIVER IN A MANNER AS DEFINED IN THE BOARD MINUTES OF DECEMBER 6, 1985, BE APPROVED.

Jack Nygaard/Don Wilson: The Board reviewed the requests of Messrs. Nygaard and Wilson for joint-use for cougar hunting from December 1985 to February 1986, following which MSC (Meiners--Farr) THAT THE REQUEST FOR JOINT-USE BE DENIED ON THE GROUNDS THAT THE BOARD HAS GONE ON RECORD WITH A POLICY TO AVOID UNDUE STACKING OF BEAR AND COUGAR HUNTING. IN ADDITION, HOWEVER, THE LETTER TO MESSRS. NYGAARD AND WILSON SHOULD OUTLINE THAT THERE IS NOTHING WRONG, IN THE BOARD'S VIEW, WITH AN OUTFITTER HIRING ANOTHER OUTFITTER AS A GUIDE AND LEASING EQUIPMENT AND/OR ANIMALS WHEN THE HIRING AND LEASING AGREEMENTS ARE PROPERLY APPROVED BY THE BOARD AND SHOWN ON THE RESPECTIVE LICENSES.

Teton Expeditions, Inc.: MSC (Salter--Meiners; Foster abstained) THAT THE APPLICATION OF TETON EXPEDITIONS, INC. TO AMEND ITS LICENSE TO ADD SNOWMOBILING IN THE UPPER REACHES OF PALISADES RESERVOIR BE APPROVED.

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Leo Jarvis: The Board reviewed Mr. Jarvis' request to have the Sawtooth Wilderness added to his description for fishing, trailrides, and backpacking, following which MSC (Meiners--Farr) THAT THE REQUEST BE APPROVED IN ACCORDANCE WITH THE BOARD'S UNDERSTANDING OF THE AGREEMENT WHICH WAS REACHED WITH THE SNRA CONCERNING SUMMER USE OF THE SAWTOOTH WILDERNESS BY EXISTING LICENSEES.

David Giles/Salmon River Lodge, Inc.: The Board reviewed Mr. Giles' letter of December 21, 1985, requesting a transfer of the Cold Meadows outfit to Salmon River Lodge, Inc., following which MSC (Vaughn--Meiners) THAT THE TRANSFER BE APPROVED SUBJECT TO RECEIPT OF A PROPERLY EXECUTED CONTRACT OR BILL OF SALE COMPLETE WITH FINANCIAL DETAILS AND A LIST OF EQUIPMENT THAT MEETS THE APPROVAL OF THE CHAIRMAN OR VICE CHAIRMAN OR BOTH AND THAT THE PARTIES BE SO INFORMED.

Northern Idaho Lakes: The Board reviewed the licensing procedure on the lakes of north Idaho and other reservoirs in southwestern Idaho with regard to Section G requiring a land manager's signature. MSC (Meiners--Vaughn) IN VIEW OF TELEPHONE CONVERSATIONS AND WRITTEN CORRESPONDENCE BETWEEN THE IDAHO DEPARTMENT OF LANDS, THE BUREAU OF LAND MANAGEMENT, CHAIRMAN FOSTER, AND VICE CHAIRMAN MEINERS AND THEIR DECLARED POSITION OF NOT WANTING TO TAKE RESPONSIBILITY FOR RESOURCE MANAGEMENT ON THESE WATERS, THE REQUIREMENT THAT SECTION G BE FILLED OUT BY THE PROSPECTIVE APPLICANTS BE WAIVED WITH REGARD TO THESE WATERS ONLY AND THAT APPROPRIATE NOTIFICATION BE SENT TO THE IDAHO DEPARTMENT OF FISH AND GAME IN NORTH IDAHO AND TO THOSE APPLICATIONS WHO WERE NOTIFIED EARLIER ABOUT THE BOARD'S INTENTION TO LICENSE ON THESE WATERS.

At 1430 hours the Board met with Jerry Conley, Director of the Idaho Department of Fish and Game. MSC (Meiners--Vaughn) THAT PURSUANT TO IDAHO CODE SECTION 67-2345(b), THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS MATTERS OF PERSONNEL. Votes were cast as follows: Farr..."Aye"; Foster..."Aye"; Meiners..."Aye"; Salter..."Aye"; Vaughn..."Aye". The Executive Session began at 1435 hours and ended at 1630 hours with no formal action being taken at the session.

Dennis Hill/Jim Pepcorn/Randy Baugh: The Board reviewed Mr. Hill's letter of December 19, 1985, regarding a breach of contract between Maria Loana, Randy Baugh, and Dennis Hill. Following a review of this document and telephone calls received from Jim Pepcorn, MSC (Meiners--Farr) THAT A NOTICE OF INTENT TO REVOKE OR SUSPEND THE LICENSE OF VALLEY RANCH OUTFITTERS/RANDY BAUGH, MANAGING AGENT, BE MAILED AND THAT A HEARING DATE BE

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ESTABLISHED FOR CONSIDERATION OF REVOCATION OR SUSPENSION OF THEIR LICENSE DUE TO VIOLATION OF IDAHO CODE 36-2113(a)(5) AND FOR VIOLATION OF IDAHO CODE 36-2109(c), EVIDENT LACK OF SUFFICIENT FINANCIAL RESPONSIBILITY TO ADEQUATELY CONDUCT THE BUSINESS OF AN OUTFITTER. FURTHER THAT THE FILE BE FLAGGED SO THAT NO LICENSE RENEWAL WOULD BE ISSUED FOR THE 1986-1987 LICENSE YEAR UNTIL THIS MATTER IS SATISFACTORILY RESOLVED.

Seven Devils Outfitters, Inc./Dave Stucker, Managing Agent: The Board reviewed the outfitter license application of Seven Devils Outfitters, Inc. and the appropriate documents, following which MSC (Farr--Vaughn) THAT THE TRANSACTION BE APPROVED AS REQUESTED AND THE OUTFITTER LICENSE BE ISSUED.

Employee Performance Evaluations: The Board reviewed the evaluations of Patricia E. Davis, General Typist, and Sandra S. Skogerson, Automated Records Clerk, and concurred in the recommendations of the Administrative Secretary and the Chairman.

The Board recessed at 1830 hours and reconvened on Saturday, January 18, 1986, at 0730 hours.

Ed McCallum: MSC (Salter--Vaughn) THAT THE CHAIRMAN INITIATE FURTHER INVESTIGATION INTO THE COMPLAINT RECEIVED FROM SUNNY ARNOLD, INCLUDING A LETTER TO THE GUIDE, SCOTT THOMPSON WHO GUIDED MR. ARNOLD, ASKING FOR HIS ASSESSMENT OF THE HUNT, AND A LETTER TO ED McCALLUM DETERMINING WHETHER OR NOT HE RECEIVED THE AGREEMENT THAT MR. ARNOLD SAYS HE SENT TO HIM CONCERNING THE CONDUCT OF THE HUNT, AND A LETTER TO MR. ARNOLD ASKING IF HE HAS ANY FURTHER DETAILS HE WISHES TO FURNISH ON THE HUNT.

Steve Wieber: MSC (Salter--Vaughn) PURSUANT TO THE LETTER RECEIVED FROM HOWARD F. DELANEY, ATTORNEY FOR MR. WIEBER, THAT THE CHAIRMAN BE REQUESTED TO WRITE MR. DELANEY AND/OR MR. WIEBER REQUESTING AN OPERATING PLAN, DETAILED MAP, AND AREA DESCRIPTION FOR THE PROPOSED USAGE, AND THAT FOLLOWING RECEIPT OF SAME A LETTER BE SENT TO THE DEPARTMENT OF FISH AND GAME REQUESTING THEIR INPUT ON MR. WIEBER'S REQUEST WITH A COPY GOING TO MR. DELANEY. FURTHER, THAT MR. DELANEY BE FURNISHED WITH THE REQUESTED INFORMATION REGARDING USE.

Three Rivers Ranch: Following consideration of the information presented at the January 15, 1986, hearing before the Board of the Three Rivers Ranch request for licensing on the Henry's Fork of the Snake River, MSC (Meiners--Vaughn; Foster abstained) INASMUCH AS NO NEW DATA WAS PRESENTED AT THE HEARING WHICH COULD ALTER THE BOARD'S PREVIOUS DECISION TO DENY THIS REQUEST, THAT THE BOARD REAFFIRM ITS DENIAL.

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Dave Helfrich: The Board reviewed the December 20, 1985, letter from Mr. Helfrich regarding power boating privileges on the Salmon River from the Middle Fork to Lewiston and his desire to give that power boating privilege to Ralph Smothers, following which MSC (Meiners--Farr) IN VIEW OF CONTACT WITH RESOURCE MANAGERS AND THE FACT THAT MR. HELFRICH DOES NOT HAVE A CURRENT POWER BOATING PERMIT AND HAS NO PROSPECT OF OBTAINING A PERMIT FROM EITHER THE BLM OR FROM THE FOREST SERVICE, THAT HE BE NOTIFIED BY LETTER THAT THE BOARD CANNOT HONOR HIS REQUEST TO GIVE THAT PRIVILEGE TO RALPH SMOTHERS. THE BLM AND FOREST SERVICE INDICATE THAT THERE IS NO PROSPECT FOR EITHER MESSRS. HELFRICH OR SMOTHERS OBTAINING A POWER BOATING PERMIT ON THOSE STRETCHES OF RIVER.

Miles S. Minson: MSC (Salter--Meiners) THAT A LETTER BE WRITTEN TO MR. MINSON ASKING FOR FURTHER INFORMATION AS RECOMMENDED BY THE SKI REVIEW COMMITTEE.

Mike Crevelt: MSC (Salter--Farr) IN CONSIDERATION OF MR. CREVELT'S LETTER RECEIVED JANUARY 15, 1986, THAT HE BE ISSUED A SKI GUIDE LICENSE WHICH WOULD QUALIFY HIM FOR DAY USE ON NON-HAZARDOUS TERRAIN AS SPECIFIED IN HIS LETTER AND THAT HE BE NOTIFIED THAT WHEN HE QUALIFIES FOR OTHER GUIDING PRIVILEGES, THIS MAY BE AMENDED.

Robert L. Stewart: The Board reviewed the outfitter license application of Mr. Stewart, following which MSC (Farr--Vaughn) THAT MR. STEWART BE SENT ANOTHER TEST TO SATISFACTORILY COMPLETE AND THAT THE REQUESTED EXTENSION BE DENIED DUE TO THE FACT THAT HE IS A NEW OUTFITTER, THE AREA IS CURRENTLY LICENSED TO ANOTHER EXISTING OUTFITTER, AND THE BOARD DOES NOT HAVE ITS NONUSE RULE INTACT AT THIS TIME. UPON RECEIPT OF A PASSED TEST, THE BOARD WILL APPROVE THE TRANSACTION BETWEEN MESSRS. STEWART AND HAGAMAN. A carbon copy of the letter to Mr. Stewart should be sent to Mr. Hagaman.

Mitch McFarland: The Board reviewed the letter of January 7, 1986, from Mr. McFarland, following which MSC (Farr--Meiners) THAT MR. MCFARLAND BE INFORMED BY LETTER THAT IF HE WAS NOT INVOLVED IN ANY WAY IN THE HUNTING ACTIVITIES OF MR. THORKELSON WHEN HE WAS CITED BY THE FISH AND GAME AND/OR IF MR. MCFARLAND WAS NOT CITED BY THE FISH AND GAME FOR ANY VIOLATION, THE CITATIONS ISSUED TO MR. THORKELSON WOULD NOT HAVE A BEARING ON MR. MCFARLAND'S OUTFITTER LICENSE.

Proposed Rules Package: MSC (Meiners--Vaughn; Salter voted "no"; Foster abstained) THAT THE FOLLOWING MOTION BE ADOPTED AND MADE A PART OF THE PUBLIC RECORD/MINUTES OF THE IDAHO OUTFITTERS AND GUIDES BOARD: THE PROPOSED RULES PACKAGE DATED OCTOBER 25, 1985, TO REPEAL EXISTING RULES AND REGULATIONS AND ADOPT

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REPLACEMENT RULES AND REGULATIONS PURSUANT TO THE PROCEDURES PRESCRIBED BY SECTION 67-5203, IDAHO CODE, HAS BEEN SUBJECT TO PUBLIC HEARING (NOVEMBER 30, 1985) AND PUBLIC COMMENT. SIGNIFICANT PUBLIC INTEREST IN AND MISUNDERSTANDING OF THE PROPOSED RULES PACKAGE HAVE BEEN DEMONSTRATED IN PUBLIC HEARING AND BEFORE THE OUTFITTERS AND GUIDES ASSOCIATION AND IS EVIDENT IN REVIEW OF WRITTEN COMMENT, BOTH BY LETTER AND PETITION.

A REVIEW OF WRITTEN COMMENT, EITHER BY LETTER OR BY PETITION OR BOTH, FINDS A VAST MAJORITY OF SUCH COMMENT IS SPECIFIC TO A SINGLE PROPOSED RULES CHANGE: THAT IS, TO LICENSE 5 FLOAT BOAT OUTFITTERS FOR FISHING ON THE SALMON RIVER-VINEGAR CREEK TO HAMMER CREEK. CONTACT WITH SOME 20 INDIVIDUALS WHO EITHER WROTE LETTERS, SIGNED A PETITION, OR BOTH FINDS MOST DID NOT KNOW THAT THE PROPOSED RULE: (a) APPLIED ONLY TO FLOAT BOAT ACTIVITIES, OR (b) DID NOT PRECLUDE PUBLIC USE OF THE RIVER REACH INVOLVED.

SOME OF THOSE CONTACTED WERE OPPOSED TO: (a) "LICENSING" IN ANY FORM FOR ANY PURPOSE, (b) "COMMERCIALIZATION" OF A PUBLIC RESOURCE, (c) OUTFITTERS/GUIDES AND OUTFITTING, AND (d) COMPETITION OUTFITTERS AND GUIDES WOULD IMPOSE UPON PUBLIC USE OF THE AREA.

FOLLOWING EXPLANATION OF THE BACKGROUND TO THE PROPOSED RULE AND DISCUSSION, THE INDIVIDUALS CONTACTED: (a) CHANGED THEIR POSITION AND VOLUNTEERED ACTIVE SUPPORT, (b) OPTED TO MODIFY THE PROPOSAL TO RETAIN EXCLUSIVE PUBLIC USE ABOVE RIGGINS AND COMMERCIAL USE BELOW RIGGINS, (c) SUGGESTED A TRIAL PERIOD FROM 2 TO 3 YEARS TO ASSESS IMPACT - THEN GO, NO-GO, AND (d) DIDN'T REALLY CARE. ABOUT 20% OF THE INDIVIDUALS CONTACTED REMAINED ADAMANT IN THEIR OPPOSITION TO THE PROPOSED RULE.

WITH THE FOREGOING IN MIND AND TO REAFFIRM BOARD ACTION AND TO ESTABLISH PUBLIC RECORD, LET THE IDAHO OUTFITTERS AND GUIDES BOARD MINUTES OF JANUARY 18, 1986, SHOW THAT:

WHEREAS: THE PROPOSED RULES PACKAGE DATED OCTOBER 25, 1985, WAS AUTHORIZED BY APPROPRIATE BOARD ACTION IN THE PROCEEDINGS OF THE BOARD MEETING OF OCTOBER 2, 1985, AND

WHEREAS: IT WAS FURTHER AGREED BY THE BOARD THAT BOARD MEMBERS FOSTER, SALTER, AND MEINERS WOULD UNDERTAKE TO REVISE THE CURRENT RULES AND REGULATIONS, AS AMENDED, FOR PURPOSES OF CLARIFICATION, REORGANIZATION, AND BETTER PUBLIC UNDERSTANDING, AND

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WHEREAS: SAID REVISION WAS DRAFTED, REVIEWED, AND APPROVED BY A MAJORITY OF THE BOARD MEMBERS AS A PROPOSAL TO ELICIT PUBLIC RESPONSE BY HEARING AND WRITTEN COMMENT IN ACCORDANCE WITH THE STATE ADMINISTRATIVE PROCEDURES ACT, AND

WHEREAS: PERSONS KNOWN AND UNKNOWN AND BY INTENTIONAL OR UNINTENTIONAL ACT MAY NOT HAVE FULLY EXPLAINED THE CONTENT, INTENT, AND PURPOSE OF THE PROPOSED RULES PACKAGE, AND

WHEREAS: SAID LACK OF EXPLANATION OF THE CONTENT, INTENT, AND PURPOSE OF THE OCTOBER 25, 1985, PROPOSED RULES PACKAGE HAS BEEN A PUBLIC DISSERVICE RESULTING IN MISUNDERSTANDING, EVEN APPREHENSION ON THE PART OF SOME PUBLICS, AS TO THE EFFECT OF CERTAIN PROPOSED RULES,

THEREFORE, THE FOLLOWING MOTION IS MADE AND PLACED BEFORE THE OUTFITTERS AND GUIDES BOARD IN THEIR MEETING ASSEMBLED JANUARY 1986, IN REVIEW OF THE PUBLIC RECORD ESTABLISHED BY HEARING AND WRITTEN COMMENT RELATIVE TO THE OCTOBER 25, 1985, PROPOSED RULES PACKAGE, NAMELY:

1. THAT THE BOARD HEREAFTER, IN MATTERS OF INTERNAL DISPUTE, UTILIZE THE BOARD MEETING FORUM (IN EXECUTIVE SESSION, IF NECESSARY) TO AIR SAID DISPUTE AND/OR GRIEVANCE AND REACH A SOLUTION OR ACCORD, IF POSSIBLE, RATHER THAN GOING TO A SELECT PUBLIC TO SOLICIT SUPPORT IN RESOLUTION OF A PERCEIVED WRONG OR GRIEVANCE.
2. THAT THE BOARD REVIEW AND VIEW THE PUBLIC RECORD ON ITS MERIT. MANY USEFUL AND SUBSTANTIVE COMMENTS WERE MADE. THE BOARD IS INTERESTED IN SUBSTANTIVE COMMENTS FOR GUIDANCE RATHER THAN NUMBERS OF SIGNATURES OF INDIVIDUALS ON A PETITION WHO, IN MANY INSTANCES, DID NOT UNDERSTAND OR WERE NOT FULLY ACQUAINTED WITH THE INTENT OR PURPOSE OF THE PETITION. PETITIONS, HOWEVER, WERE SIGNED IN GOOD FAITH AND WILL BE CONSIDERED AS AN EXPRESSION OF AN OPINION RELATIVE TO THE STATED PURPOSE OF SAID PETITION.
3. THAT THE BOARD, RELATIVE TO PROPOSED RULE 57 (SALMON RIVER - VINEGAR CREEK TO HAMMER CREEK REACH, 5 FISHING BOATS, OCTOBER 1 TO MARCH 31) AMEND SAID PROPOSAL IN ACCOMMODATION OF PROVIDING A NEEDED PUBLIC SERVICE, BUT MODIFIED AS FOLLOWS IN RECOGNITION OF PUBLIC TESTIMONY, THUS: (a) SALMON RIVER - SPRING BAR TO THE MOUTH OF LITTLE SALMON RIVER (CLOSED TO ALL BOATING ACTIVITIES FROM OCTOBER 1 TO MARCH 31), AND (b) SALMON RIVER - MOUTH OF LITTLE SALMON RIVER TO HAMMER CREEK (ALL BOATING ACTIVITIES, OTHER THAN FISHING, ARE PROHIBITED

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OCTOBER 1 TO MARCH 31). EACH OUTFITTER MAY USE AT ANY ONE TIME A MAXIMUM OF THREE BOATS FOR FISHING; NO POWER BOAT OPERATION AUTHORIZED; 3 FLOAT BOAT OPERATORS AUTHORIZED AND ARE TO BE SELECTED FROM AMONG CURRENTLY LICENSED FLOAT BOAT OUTFITTERS ON THIS REACH OF THE RIVER (SELECTION TO BE MADE IN ACCORDANCE WITH RULE 28.). THIS USE AUTHORIZED ON A TWO YEAR TRIAL BASIS WITH CLOSE SCRUTINY AND EVALUATION TO DETERMINE RESOURCE, SOCIAL, AND ECONOMIC IMPACT. IF FOUND ACCEPTABLE WITH LITTLE OR NO SIGNIFICANT ADVERSE IMPACT, THE TRIAL AUTHORIZED USE SHALL BECOME PERMANENT AND/OR AS MAY BE OTHERWISE MODIFIED BY SUBSEQUENT RULES MAKING. IF FOUND NOT ACCEPTABLE, THE TRIAL AUTHORIZED USE SHALL TERMINATE AT THE CONCLUSION OF THE TWO YEAR TRIAL PERIOD.

4. THAT THOSE OUTFITTERS SELECTED AND AUTHORIZED FOR FISHING (OCTOBER 1 TO MARCH 31) SHALL HAVE THEIR LICENSES AMENDED TO REFLECT AND SET FORTH THE CRITERIA OF LICENSING AS IDENTIFIED IN SUBPARAGRAPH 3 ABOVE, AND SHALL BE REQUESTED TO SIGN A STATEMENT OF THEIR UNDERSTANDING AND ACCEPTANCE THAT THE LICENSED FISHING ACTIVITIES MAY TERMINATE AT THE CONCLUSION OF THE TWO YEAR TRIAL BASIS.
5. THAT THE BOARD SHALL TAKE IMMEDIATE AND APPROPRIATE ACTION, IN COORDINATION WITH LEGAL COUNSEL AND CONSIDERATION OF PUBLIC COMMENT, TO REVIEW, MODIFY WHERE APPROPRIATE, AND FINALIZE AND ADOPT THE OCTOBER 25, 1985, PROPOSED RULES PACKAGE AT THE MARCH 1986 BOARD MEETING.

Rule 16 is modified to reflect in the heading, under F, "New Outfitter Application Requirements". Then in the text: "In order to be complete, a new outfitter license application..." Rule 16.b. should read: "...bear the signatures of the land managers in all areas where an outfitter plans to utilize lands administered by the state or federal government." Strike the balance of that sentence. In Rule 16.c.v., "...the proposed number of guests..." Scratch "maximum". Rule 16.c.vii., scratch "detailed" to now read: "...a list of the equipment, facilities, and livestock." Strike the balance of that sentence. Rule 16.c.ix., scratch "detailed" to now read: "...a plan to assure the safety and provide for emergency care of guests..."

Rule 17 should read: "When the applicant is a corporation, firm, partnership, or other organization or combination thereof, a supplemental form shall be completed and it shall designate at least one (1) managing agent who is a qualified outfitter who shall be responsible for the outfitting business."

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Rule 20 would read: "When the Board issues an outfitter license, said license shall specify all activities for which the applicant is licensed, designate a specific area of operation for each activity, and be based on an operating plan that establishes the period of use and the proposed levels of use for the area for each activity." Scratch the entire last sentence.

Rule 22.a. should read: "Prior to the renewal of a license, the Board shall review the outfitter's use reports for the preceding three (3) years..." and then the text of that remains unchanged until we get to Rule 22.a.i. which should read as follows: "Nonuse for the purpose of this section shall mean an outfitter's failure to use 40% or more of the use capability of the area for each activity for any two of the three preceding years. Use capability shall be determined by the Board through adopted state or federal resource management plans and through an analysis of the following factors specific to the licensed area: its size or extent, its accessibility, the amount of wildlife available to be harvested, public need and demand for services, and the number of persons who can be served." Rule 22.a.ii. remains unchanged.

In Rule 23.b., the last sentence should be stricken. The sentence reads: "Also, the annual report shall note any adverse changes in the operator's financial conditions." Strike that sentence.

Rule 24 c.v. should read: "Any recommendation submitted by any governmental agency that regulates or manages land or wildlife within the disputed area..." Similarly, Rule 24.d.v. should also read: "Any safety concerns expressed by any governmental agency that regulates or manages land or wildlife within the licensed area..."

Rule 26.b. should be changed to read: "When an existing operation is transferred to another outfitter, all clients who have booked with the original outfitter must be promptly notified. Each client must be satisfied with the new arrangements or his advance payment must be refunded."

In Rule 28.b., the fourth line down, change the word "but" to "and".

Rule 33.a. should read: "An apprentice guide is a new hunting guide applicant who has not had previous experience as an Idaho hunting guide. He may be licensed as an apprentice guide by submitting a completed application form and fee. Rule 33.e.ii. should read: "...submitting to the Board a completed guide license application form and guide license fee..."

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In Rule 34, we will change the word "dangerous" to "hazardous" in both places.

In Rule 48, we will change the wording to read as follows: "Upland game bird hunting and waterfowl hunting are not licenseable activities for outfitting and/or guiding. However, chukar, Hungarian partridge, and forest grouse hunting may be licensed in connection with another outfitted activity.

Rule 51 will be deleted and in its place substitute: "Reserved for a future rule."

Rules 53 and 54 will have the sentence stricken which says: "Guides supervising such activity shall occupy similar craft."

Rule 55 should be eliminated and indicate: "Reserved for a future rule."

On the list of rivers, the Owyhee River will be changed to show only one listing and it will read as follows: "*Owyhee River-Nevada Stateline to Oregon Stateline and/or South Fork to Confluence with Owyhee River (and continuing on to a take-out point)" - none for power boating and 6 for float boating.

On the Payette River-South Fork, the Board agreed to change the river segmentation to the following river segments: Payette River-South Fork, Grandjean to Deadwood - none for power and 5 for float; *Payette River-South Fork, Deadwood River to Banks - none for power and 5 for float. The North Fork portion of the Payette does not change.

On the Salmon River-First Highway 93 Bridge above Challis to Iron Creek, the Board will work out a different wording for that Rule so that the same five (5) outfitters who are currently licensed for fishing boating will also be given recreational privileges during the summer. The wording of the Rule will have to reflect that.

The Salmon River, Iron Creek to North Fork, will have to be reworded.

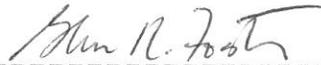
The part of the Salmon River from Vinegar Creek to Hammer Creek will have to be reworded.

Rewording on the Salmon River-Hammer Creek to Heller Bar or Lewiston on the Snake River (23 and 37).

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Rewording on the Snake River-Pittsburg Landing to Heller Bar or
Lewiston.

The Board adjourned at 1700 hours.



GLEN R. FOSTER, Chairman of the Board

ATTEST:



LINDA L. ELWOOD, Administrative Secretary

RONALD L. SHERER

HUNTING AREA FOR BEAR AND COUGAR (REVISED)

AREA 1 - Beginning at the mouth of the South Fork Boise River on Arrowrock Reservoir (Sec. 15, T3N, R5E, BM); thence easterly upstream along the South Fork Boise River to Rattlesnake Creek (Sec. 33, T3N, R6E, BM); thence continuing easterly upstream on Rattlesnake Creek to Russell Gulch (Sec. 14, T3N, R7E, BM); thence southeasterly on the Russell Gulch/Slater Creek watershed divide to the Rattlesnake Creek/South Fork Boise River watershed divide (Sec. 19, T3N, R8E, BM); thence easterly on the Rattlesnake Creek, Sheep Creek, Roaring River/South Fork Boise River watershed divide to the Middle Fork/South Fork Boise River watershed divide at Trinity Mountain (Sec. 12, T3N, R8E, BM); thence northeasterly on said watershed divide via Steel Mountain to the Bald Mountain/Corbus Creek watershed divide (Sec. 23, T5N, R10E, BM); thence northeasterly on said watershed divide to the head of James Creek and continuing northeasterly downstream on James Creek to the Middle Fork Boise River (Sec. 5, T5N, R11E, BM); thence westerly downstream on the Middle Fork Boise River to Black Warrior Creek (Sec. 32, T6N, R10E, BM); thence northeasterly upstream on Black Warrior Creek to West Warrior Creek; thence northerly upstream on West Warrior Creek to the Middle Fork/North Fork Boise River watershed divide at the head of Lodgepole Creek (Sec. 33, T7N, R10E, BM); thence northwesterly downstream on Lodgepole Creek to the North Fork Boise River (Sec. 19, T7N, R10E, BM); thence southwesterly downstream on the North and Middle Forks of the Boise River to Arrowrock Reservoir and continuing southwesterly along the Arrowrock Reservoir to the South Fork Boise River, the point of beginning. [F&G Unit 39] [Boise National Forest Map, 1977]

HUNTING AREA FOR BEAR ONLY (REVISED)

AREA 2 - Beginning at the South Fork Boise River/Rattlesnake Creek confluence (Sec. 33, T3N, R6E, BM); thence easterly upstream on Rattlesnake Creek to Russell Gulch (Sec. 14, T3N, R7E, BM); thence southeasterly on the Russell Gulch/Slater Creek watershed divide to the Rattlesnake Creek/South Fork Boise River watershed divide (Sec. 19, T3N, R8E, BM); thence easterly on the Rattlesnake Creek, Sheep Creek, Roaring River/South Fork Boise River watershed divide to the western watershed boundary between Fall Creek and South Fork Boise River (Sec. 12, T3N, R8E, BM); thence southerly on said watershed boundary via House Mountain to the South Fork Boise River in the vicinity of Reclamation Village (Sec. 15, T1S, R8E, BM); thence northwesterly on the South Fork Boise River to Rattlesnake Creek, the point of beginning. [F&G Unit 39] [Boise National Forest Map, 1977]

DALBERT (DEL) ALLMON

HUNTING AREA FOR BEAR (REVISED)

AREA 1 - Beginning at the South Fork Boise River/Rattlesnake Creek confluence (Sec. 33, T3N, R6E, BM); thence easterly upstream on Rattlesnake Creek to Russell Gulch (Sec. 14, T3N, R7E, BM); thence southeasterly on the Russell Gulch/Slater Creek watershed divide to the Rattlesnake Creek/South Fork Boise River watershed divide (Sec. 19, T3N, R8E, BM); thence easterly on the Rattlesnake Creek, Sheep Creek, Roaring River/South Fork Boise River watershed divide to the Middle Fork/South Fork Boise River watershed divide at Trinity Mountain (Sec. 12, T3N, R8E, BM); thence northeasterly on said watershed divide via Steel Mountain to the Bald Mountain/Corbus Creek watershed divide (Sec. 23, T5N, R10E, BM); thence northeasterly on said watershed divide to the head of James Creek and continuing northeasterly downstream on James Creek to the Middle Fork Boise River (Sec. 5, T5N, R11E, BM); thence westerly downstream on the Middle Fork Boise River to Black Warrior Creek (Sec. 32, T6N, R10E, BM); thence northwesterly upstream on Black Warrior Creek to West Warrior Creek; thence northerly upstream on West Warrior Creek to the Middle Fork/North Fork Boise River watershed divide at the head of Lodgepole Creek (Sec. 33, T7N, R10E, BM); thence northwesterly downstream on Lodgepole Creek to the North Fork Boise River (Sec. 19, T17N, R10E, BM); thence southwesterly downstream on the North Fork Boise River via Barber Flat to Rabbit Creek (Sec. 10, T5N, R7E, BM); thence northwesterly upstream along Rabbit Creek on Road 327 to the Mores Creek/Middle Fork Boise River watershed divide (Sec. 3, T5N, R6E, BM); thence southwesterly along said watershed divide via Thorn Creek Butte to the head of Cottonwood Creek (Sec. 10, T4N, R5E, BM); thence southeasterly downstream on Cottonwood Creek to Arrowrock Reservoir and continuing southwesterly along the southern shoreline of Arrowrock Reservoir to the confluence with the South Fork Boise River (Sec. 15, T3N, R5E, BM); thence easterly on the South Fork Boise River to the point of beginning. [F&G Unit 39] [Boise National Forest Map, 1977]

HUNTING AREA FOR BEAR AND COUGAR (REVISED)

AREA 2 - Beginning at the Anderson Ranch Dam on the South Fork Boise River (Sec. 1, T1S, R8E, BM); thence northeasterly along the north shore of the Anderson Ranch Reservoir to its head at Pine, Idaho; thence northerly on the South Fork Boise River to Featherville, Idaho, and the Feather River (Sec. 10, T3N, R10E, BM); thence northerly on the Feather River to Bear Creek (Sec. 16, T4N, R10E, BM); thence northwesterly upstream on Bear Creek via Rocky Bar to Middle Fork/South Fork Boise River watershed divide (Sec. 36, T5N, R9E, BM); thence southwesterly on said

ADDENDUM 2 (continued)

watershed divide to Trinity Mountain (Sec. 18, T3N, R9E, BM); thence southwesterly on the western watershed boundary between Fall Creek and South Fork Boise River via House Mountain to the South Fork Boise River in the vicinity of Reclamation Village (Sec. 15, T1S, R8E, BM); thence on the South Fork Boise River to Anderson Ranch Dam, the point of beginning. [F&G Units 39 & 43] [Boise National Forest Map, 1977]

LAZY J OUTFITTERS, INC.

HUNTING AREA FOR COUGAR (REVISED)

AREA 3 - Beginning at Arrowrock Dam on the Boise River (Sec. 13, T3N, R4E, BM); thence easterly along Arrowrock Reservoir to Little Grouse Creek (Sec. 19, T3N, R5E, BM); thence southwesterly upstream on Little Grouse Creek to the Boise National Forest Boundary (Sec. 26, T3N, R4E, BM); thence south and east along said national forest boundary to Cow Creek (Sec. 12, T1S, R7E, BM); thence northerly downstream on Cow Creek to the South Fork Boise River; thence easterly upstream on the South Fork Boise River to the western watershed boundary between Fall Creek and South Fork Boise River in the vicinity of Reclamation Village (Sec. 15, T1S, R8E, BM); thence northeasterly on said watershed boundary via House Mountain to the Rattlesnake Creek, Sheep Creek, Roaring River/South Fork Boise River watershed divide (Sec. 12, T3N, R8E, BM); thence westerly on said watershed divide to the Russell Gulch/Slater Creek watershed divide (Sec. 19, T3N, R8E, BM); thence northwesterly on said watershed divide to Rattlesnake Creek (Sec. 14, T3N, R7E, BM); thence westerly downstream on Rattlesnake Creek to the South Fork Boise River; thence westerly on the South Fork Boise River and Arrowrock Reservoir to Arrowrock Dam, the point of beginning. [F&G Unit 39] [Boise National Forest Map, 1977]