

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

August 20-21, 1986
Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board convened at 0830 hours on Wednesday, August 20, 1986, with all Board members present.

Mark Russell: Mr. Russell met with the Board to discuss his proposed outfitter license amendments for fishing, trailrides, and backpacking in the Kelly Creek area. Following the interview and a discussion of the matter, MSC (Vaughn--Farr) THAT WHEN THE BOARD RECEIVES THE AMENDED AREA DESCRIPTION OUTLINING THE PROPOSED AREA OF OPERATION, RESEARCH WILL BE INITIATED. This action is taken pursuant to Rule 19 and the Board's evaluation of Mr. Russell's proposed operation and amended application.

Michael W. Butler: Mr. Butler appeared before the Board to discuss licensing of float boating activities on the Payette River [PA1], following which the Board deemed that no action was necessary at the present time, but it would take under consideration Mr. Butler's concerns and request upon receipt of a letter from him addressing his concerns to add additional float boating activities to the PA1 section of the Payette River and the alleged nonuse of this river segment by other licensed outfitters.

Michael S. Leep: Mr. Leep appeared before the Board in review and discussion of his outfitter license application for power boating activities on the Snake River from C. J. Strike Dam to Walter's Ferry Bridge [SN5] and from Walter's Ferry Bridge downstream to Hells Canyon Dam [SN6]. Mr. Leep was also requesting various other activities such as big game hunting for elk, deer, and bear, bird hunting, upland game/waterfowl, predator hunting, and fishing. Following a discussion of these matters and the possible joint licensing requirements by Idaho and Oregon to operate on the Snake River in this area, it was the Board's recommendation to Mr. Leep that he re-evaluate his license application to clarify: (1) The manner in which he wishes to be licensed; that is, whether as an individual, a corporation, or in conjunction with the facility at Farewell Bend, Oregon. (2) The river reaches requested in that the Snake River from C. J. Strike Dam downstream to Walter's Ferry Bridge [SN5] is currently licensed to the maximum in accordance with Outfitters and Guides Board Rule 57 and, thus, not available for licensing to another individual. However, the Snake River from Walter's Ferry Bridge downstream to Hells Canyon Dam [SN6] does have space available and the Board could consider Mr. Leep's application for this river reach as well as placing him on a consideration list for SN5 at such time as space would become available. (3) A clarification of activities requested and definition of the areas

in which such outfitted activities would be conducted. (4) The Board would initiate research for those hunting activities requested in the worded area description on the original application in Fish and Game Management Units 31 and 32. (5) The Board would withhold further action on Mr. Leep's application pending receipt of an amended application as outlined above.

The Board recessed for lunch at 1215 hours and reconvened at 1345 hours.

Snake River Llamas: The Board interviewed Doyle Markham relative to his outfitter license application to be licensed for educational training and services using llamas in various locations on the Payette National Forest. Following a discussion of the matters related thereto, MSC (Vaughn--Baird) THAT MR. MARKHAM'S APPLICATION BE APPROVED PENDING CONCURRENCE OF THE FOREST SERVICE AND ISSUANCE OF THE NECESSARY SPECIAL USE PERMITS, COMPLETION OF THE OUTFITTER LICENSE APPLICATION, AND SUBMISSION OF THE AGREEMENTS BY AND BETWEEN MR. MARKHAM AND THE IDAHO STATE UNIVERSITY AND NORTHWEST NAZARENE COLLEGE TO UTILIZE HIS SERVICES IN THE CONDUCT OF HIS BUSINESS. FURTHER, DR. MARKHAM BE APPROVED AS A LICENSED GUIDE PENDING COMPLETION OF HIS APPLICATION. [Note: approval by the Board of Dr. Markham's application is predicated on the fact that it is an educational enterprise having insignificant impact upon the land or its resources--his proposed activities are not a consumptive use of resources. Board discussion relative to approval of Dr. Markham's application indicated the Board's very real concern that the issuance of an additional outfitting license in an area already licensed to other outfitters could, over time and even though such activities are non-consumptive in nature, have an adverse impact on those outfitters relative to the Forest Service's policy in meeting or exceeding the limits of acceptable change as applicable to such other outfitters. That is, the Forest Service's apparent "purity ethic" is suspect and must be closely followed in its impact upon outfitters and their ability to serve the public.

Martin Capps: The Board interviewed Mr. Capps relative to a proposed sale of his business on the Salmon River [SA2] and his questioning why he was not one of the selectees for steelhead fishing on SA4B. Following a review and consideration of these matters, it is the Board's position that no further action be taken.

Stephen Galles: The Board reviewed Mr. Galles request to be issued a guide license to guide for David Powers, following which MSC (Farr--Vaughn) THAT MR. GALLES BE ISSUED A GUIDE LICENSE NON-PROBATIONARY.

Sam Whitten: The Board reviewed Mr. Whitten's amendment request to add trailriding activities to his current license. Following a review of this matter, MSC (Baird--Miller) THAT THE OPERATING PLAN AND REQUEST FOR TRAILRIDES SUBMITTED BY SAM WHITTEN BE APPROVED EXCEPT FOR THAT PORTION DENOTED AS TRAILRIDE #4 WHICH OVERLAPS SEVEN DEVILS' ACTIVITIES AND THAT SAID PORTION BE DENIED BASED ON 36-2109(b)(5) AND OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS NO. 19.f. [see Addendum 1]

Thomas O. Webb: The Board reviewed Mr. Webb's request for a declaratory ruling by the Board to either exempt his boat rental activities from the purview of the Outfitters and Guides Act or to license same by amendment of his license. This matter was referred to the Board's attorney for input. A decision has not yet been received from him. It is the Board's position that a decision will await the attorney's input.

Todd Molitor: The Board reviewed Mr. Molitor's outfitter license application to purchase the Ron Bricker dba Steeldust Outfitter business. Following a review of the files on this matter, MSC (Farr--Vaughn) THAT THE PROPOSED SALE OF BUSINESS FROM MR. BRICKER TO MR. MOLITOR BE APPROVED PENDING COMPLETION OF THE APPLICATION.

The Board recessed at 1700 hours and reconvened on Thursday, August 21, 1986, at 0830 hours with all Board members present.

Jack Riddle: The Board reviewed Mr. Riddle's file and noted that the request for additional research has not been concluded and, therefore, a decision cannot be made until such research is complete and response is received from the Idaho Department of Fish and Game.

Jerry Eppler: The Board reviewed Mr. Eppler's guide license application. Following a review of the file and the Fish and Game citation not so indicated on Mr. Eppler's application, MSC (Vaughn--Farr) THAT MR. EPPLER BE ISSUED A PROBATIONARY LICENSE FOR FALSIFICATION OF THE RECORD. TERMS OF PROBATION SHALL BE THAT MR. EPPLER NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS DURING THE 1986-1987 LICENSE YEAR.

Rule 57 - SN6: It should be noted that the next rules package change should indicate that this river segment extends downriver to Hells Canyon Dam per Board action of February 7, 1986, rather than at Brownlee Dam as currently shown.

Robert L. Hennefer: As a follow-up to his securing a bond for outfitting activities, contact was made with Mr. Hennefer. It was to the effect that he is experiencing difficulties with the bonding company in getting the necessary clarification of

signature requirements, but that he is taking immediate steps to get this situation corrected. It is the Board's position that it would wait until the September Board meeting to take final action on Mr. Hennefer's license relative to the bonding requirement.

Following an interview with Stanley Potts, the Board recessed for lunch at 1230 hours and reconvened at 1345 hours.

Roger Monger: The Board conducted a show-cause hearing relative to Mr. Monger's falsification of his Red Cross card. Following the hearing and discussion of the matters presented at same, MSC (Miller--Vaughn) THAT MR. MONGER'S GUIDE LICENSE FOR STEELHEAD FISHING ON THE CLEARWATER RIVER BE SUSPENDED UNTIL DECEMBER 1, 1986, BASED UPON THE FACT THAT HE FALSIFIED INFORMATION CONCERNING HIS FIRST AID CARD. THE LICENSE CAN BE RETURNED TO MR. MONGER AFTER THIS DATE PROVIDED HE HAS NO FURTHER INFRACTIONS OF THE OUTFITTERS AND GUIDES ACT OR RULES AND REGULATIONS AND/OR FISH AND GAME LAWS. Note: Mr. Monger produced a valid first aid card dated 7/17/86 as proof of his now meeting first aid requirements. Also, the Enforcement Coordinator was instructed to have an enforcement officer spot-check Mr. Monger dba Swiftwater Steelhead Trips during the upcoming steelhead season to ascertain his activities.]

FY87 and FY88 Budgets: The Board reviewed the proposed FY88 budget for legislative purposes and the FY87 internal budget. Following a discussion of these matters, MSC (Baird--Miller) THAT THE BOARD ACCEPT THE BUDGET AS PREPARED BY CHAIRMAN MEINERS AND COMMEND CHAIRMAN MEINERS FOR THE EFFORTS HE HAS PUT IN IN PREPARING THE BUDGET.

Scott Farr: The Board reviewed Mr. Farr's request relative to his sheep hunting activities in Fish and Game Management Units 527-3 and 527-4. Following a review of this matter, MSC (Miller--Vaughn; Farr abstained) THAT MR. FARR'S REQUEST BE APPROVED. [Letters should be addressed to Mitch McFarland and to the Forest Service relative to the Board's action in this regard in accordance with Board policy.]

Scott Farr/Cal Stoddard: The Board reviewed Mr. Farr's notification that he and Mr. Stoddard have agreed to a one-time only accommodation of hunting activity to be conducted by Mr. Stoddard within Mr. Farr's area of operation on a drop-camp basis in and at the vicinity of Papoose Lake. Following a review and a discussion of the matter involved, MSC (Miller--Vaughn; Farr abstained) THAT THIS ARRANGEMENT BE APPROVED AND RESPECTIVE PARTIES NOTIFIED INCLUSIVE OF THE FOREST SERVICE.

Hank Miller: The Board reviewed Mr. Miller's letter dated August 21, 1986, referencing the Board's letter of August 6, 1986, notifying him of his award to SA4B and request for appropriate amendment fees. Following a review of this matter, MSC (Vaughn--Farr; Miller abstained) THAT THE AMENDMENT FEE WHICH HAS BEEN CHARGED BE SUSTAINED AND THAT MR. MILLER'S REQUEST BE DENIED.

Board Minutes: The Board reviewed the July Board Minutes, following which MSC (Baird--Miller) THAT THE MINUTES BE APPROVED AS AMENDED.

Randall Lemburg: The Board reviewed Mr. Lemburg's outfitter license request for hunting of various big game species. Following a review of this matter and a telephone conversation with Paul Hanna of Region I Fish and Game Department, MSC (Miller--Farr) THAT MR. LEMBURG BE LICENSED FOR DEER AND MOOSE HUNTING IN ADDITION TO HIS ALREADY LICENSED COUGAR HUNTING, FISHING, TRAILRIDES, AND SNOWMOBILING. FURTHER, THAT MR. LEMBURG'S REQUEST FOR ELK AND BEAR HUNTING BE DENIED IN ACCORDANCE WITH THE ABOVE-REFERENCED PHONE CALL, WHICH WILL BE CONFIRMED BY LETTER, AND IN ACCORDANCE WITH 36-2109 (b)(5).

Randy Corgatelli/S Bar S Outfitters: The Board reviewed Mr. Corgatelli's proposed purchase of the Vernon P. Johnson boating activities on SA2, following which MSC (Farr--Vaughn) THAT THE PROPOSED PURCHASE BE APPROVED PENDING COMPLETION OF THE APPLICATION AND THAT MR. CORGATELLI BE APPROVED AND LICENSED AS THE MANAGING AGENT. BOTH LICENSES, HOWEVER, SHOULD NOT BE MAILED UNTIL SUCH TIME AS A QUALIFIED GUIDE IS EMPLOYED BY MR. CORGATELLI FOR THE CONDUCT OF THE BUSINESS.

Stanley Potts: Mr. Potts appeared before the Board to review and discuss the use agreement between himself and Scott Farr for an area in the Papoose Creek drainage. He further indicated and presented material to show that the Forest Service has taken the position that they would not honor any further special use permits and sale of said business until such time as Mr. Potts has exclusive use of the area. Following consideration of these matters, the Board takes exception to the Forest Service's position and will conduct additional research into the outfitting criteria as set forth in the Frank Church River of No Return Wilderness Management Plan and to further request from the Forest Service that data upon which they have made their determination. These data that are requested should include the analysis of information gathered that would sustain their decision and the manner in which this decision was derived; that is, public participation such as the preparation of an Environmental Assessment or other such activity. [Note: Dale will research the Frank Church River of No Return Wilderness Management Plan and the Chairman shall address a letter to the Forest Service requesting the foregoing information.]

Proposed Legislation: The Board reviewed the Outfitters and Guides Act and asked its attorney to draft appropriate legislation to: (1) eliminate resident and non-resident designations; (2) amend license fees to - \$250 for an outfitter's license; \$200 for a Managing Agent's license; and \$75 for a guide's license; (3) change amendment fees to - \$75 for a change to an outfitter's license; \$10 for a change to a Managing Agent's or a guide's license; (4) Clean up wording within the Act for clarification purposes.

Complaint Files: Following a review of these files, the Board directed the Chairman to take appropriate action.

All business matters having been reviewed, the Board meeting adjourned at 1700 hours.



WILLIAM R. MEINERS, Chairman of the Board

ATTEST:



LINDA L. ELWOOD, Administrative Secretary

RIVER ADVENTURES, LTD.
Sam Whitten & Mark Hinkley, Managing Agents

AREAS FOR TRAILRIDES

TRAILRIDE 1 (as defined in Plan of Operation - Beginning on the Salmon River and Fish and Game Management (F&G Mgmt) Unit 14/18 boundary at the steel bridge north of Riggins, Idaho (Sec. 2, T24N, R1E, BM); thence southerly upstream along the north shore of the Salmon River on the trail paralleling the river to intercept Road 1614 east of Riggins, Idaho (Sec. 18, T24N, R2E, BM).

TRAILRIDE 2 (as defined in Plan of Operation - Beginning at the rodeo grounds in Riggins, Idaho (Sec. 15, T24N, R1E, BM); thence easterly up the Little Salmon/Salmon River watershed divide via Schoolmarm Peak to a point at which the Seven Devils Mountains can be viewed and return to the rodeo grounds.

TRAILRIDE 3 (as defined in Plan of Operation - Beginning on the Snake River and F&G Mgmt Unit 18 boundary at the mouth of Sheep Creek (Sec. 35, T25N, R2W, BM); thence southeasterly upstream along Sheep Creek on Trail 53 to its juncture with Trail 108; thence northeasterly on Trail 108 via Low Saddle (Sec. 19, T25N, R1W, BM) to and across the Hells Canyon Wilderness (HCW)/Hells Canyon National Recreation Area (HCNRA) boundary to Road 2060 and continuing northeasterly on Roads 2060 and 420 and the HCNRA boundary to Cow Creek Saddle and juncture with Road 242 (Sec. 36, T26N, R1W, BM); thence easterly along Road 242 to the Salmon River, F&G Mgmt Unit 14/18 boundary, and U.S. Highway 95 (Sec. 2, T25N, R1E, BM); thence southerly upstream along the Salmon River, said F&G Mgmt Unit boundary, and U.S. Highway 95 to Riggins, Idaho.

TRAILRIDE 5 (as defined in Plan of Operation) - Beginning on the Snake River and F&G Mgmt Unit 18 boundary at the mouth of Sheep Creek (Sec. 35, T25N, R2W, BM); thence southeasterly upstream along Sheep Creek on Trail 53 to its juncture with Trail 108; thence northwesterly on Trail 108 to Clark's place and cutoff trail over Lightning Ridge to Trail 51; thence westerly on Trails 51 and 53 to and down the Sheep Creek drainage to the Snake River, the point of beginning.

[F&G Units 14, 18, 19A, & 23]
[Nezperce National Forest Map dated 1981]