

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

February 9-13, 1987  
Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board convened at 0825 hours on Monday, February 9, 1987, with all Board members present.

**Sandra S. Skogerson:** Following a discussion of Sande's resignation, MSC (Miller--Farr) THAT THE LETTER PREPARED BY CHAIRMAN MEINERS AND ADDRESSED TO SANDE SKOGERSON BE SIGNED BY ALL BOARD MEMBERS AND SENT OUT. An exit performance evaluation will be prepared and made a part of her personnel record.

**Linda L. Elwood:** The Board reviewed the performance rating of Administrative Secretary Linda Elwood as prepared by Chairman Meiners, following which (Baird--Farr) THAT THE RATING BE APPROVED WITH AN EXCELLENT OVERALL PERFORMANCE EVALUATION RATING.

**Internal Budget:** Following a discussion, the Board concurred in the modifications to the internal budget to achieve the \$162,100 targeted figure by June 30, 1987.

**Funds for Enforcement:** The Board reviewed the Forest Service's proposal for provision of funds for enforcement efforts. Following a discussion of this matter and the offer by Region I/Mike Merkley, Special Agent, to make available \$5,800.00 to the Outfitters and Guides Board for such activities, MSC (Baird--Farr) THAT THE BOARD DIRECT THE CHAIRMAN TO PURSUE THIS PLAN AND, BASED ON HIS FINDINGS, AGREE TO IT PROVIDED THAT THE BOARD IS NOT OBLIGATED IN ANY MANNER TO PROVIDE ENFORCEMENT, FOR FEDERAL LAWS AND REGULATIONS.

**IOGA Meeting with Lewiston Area Boaters:** The Board reviewed and discussed the report made by Harry Vaughn regarding his attendance and participation at this December 9, 1986, meeting. It should be noted that the Board appreciates Harry's attendance at this meeting to express the Board's view on such matters.

**Charter Fishing Boat Licenses:** The Board reviewed the communication from Sandra Morris relative to such licensing on northern Idaho waters. Following a discussion of this matter, it is the Board's direction that Ms. Morris' comments be made a part of the record and held for future rules-making procedures.

**Fish & Game Commendation:** The Board reviewed the proposed letter to the Idaho Department of Fish and Game commending them for their support of Board enforcement efforts. Following such review, the Board directs that a letter of commendation be sent to the Department thanking them and expressing the Board's appreciation for their cooperation in furthering the Board's enforcement program.

**Magic Valley Bird Farm Coalition:** The Board reviewed the letter from J. Richard Jordan requesting the Board's support of their position regarding future management of the Jerome Bird Farm formerly operated by the Idaho Department of Fish and Game. Following a discussion of this matter, it was the Board's position that a letter be addressed to Mr. Jordan expressing its appreciation for his letter and stating that this matter is beyond the scope and jurisdiction of the Outfitters and Guides Act.

**James R. Wetzel:** The Board reviewed Mr. Wetzel's guide license application for bear, cougar, and predator hunting under Jeff Bitton dba Mystic Saddle Ranch noting that he has been convicted of a Fish and Game violation, following which MSC (Baird--Miller) THAT MR. WETZEL'S APPLICATION BE DENIED BASED ON 36-2113(a)(6 & 14) AND 36-2113(b).

The Board recessed for lunch at 1210 hours and reconvened at 1330 hours.

**Michael Flemmer:** The Board reviewed Mr. Flemmer's guide license application for elk, deer, bear, and cougar hunting under Don Wilson, following which MSC (Farr--Miller) THAT MR. FLEMMER'S LICENSE BE DENIED IN ACCORDANCE WITH 36-2102(c), 36-2109(c), AND 36-2113(a)(8). FURTHER, THAT THE ENFORCEMENT COORDINATOR BE DIRECTED TO HAVE AN ENFORCEMENT OFFICER FILE APPROPRIATE ACTION AGAINST MR. FLEMMER FOR OUTFITTING WITHOUT A LICENSE.

**Don Wilson:** The Board reviewed Mr. Wilson's alleged violation of the Forest Service's Special Use Permit and for employing an unlicensed guide. Following a discussion of this matter, MSC (Baird--Miller) THAT MR. WILSON'S FILE BE FLAGGED AND THAT THE 1987-1988 LICENSE NOT BE ISSUED UNTIL SUCH TIME AS THESE MATTERS HAVE BEEN CLARIFIED. FURTHER, THAT MR. WILSON BE REQUESTED TO APPEAR BEFORE THE BOARD AT ITS MARCH MEETING FOR EXPLANATION OF HIS EMPLOYMENT OF AN UNLICENSED GUIDE AND OUTFITTING OUTSIDE OF HIS LICENSED AREA.

**Slate Creek Outfitters/Donald W. Jacobsen & William L. Smith, Partners:** The Board reviewed the outfitter license application of Messrs. Jacobsen & Smith for doing business in Unit 6 on the Panhandle National Forest and the responses received from the Forest Service (indicating its need to prepare an environmental assessment relative to the proposed activities) and the Idaho Department of Fish and Game, following which the Board directs that a letter be addressed to the applicants advising them that their application is incomplete and that in accordance with Rule 11, no further action can be taken on their application until such time as the recommendation is received from the Forest Service relative to their proposed use and the issuance of a Special Use Permit on the Panhandle National Forest.

**Grant Simonds:** Mr. Simonds met with the Board to discuss various matters relative to the upcoming IOGA meeting at Moscow in April and USFS meetings in March and April as well as the status of the proposed legislation along with other items of mutual interest to the Board and the Idaho Outfitters and Guides Association including the meeting with Max Peterson of the USFS. The meeting resulted in a coordination of activities between IOGA and IOGB inclusive of: (1) setting tentative dates of the IOGA meeting for December 7-9, 1987, at the Red Lion Riverside; (2) IOGB members will be in attendance at the IOBA meeting to answer questions, etc., but no formal Board action will be taken during the IOGA meeting; (3) an Inter-Agency meeting will be scheduled during the IOGA December 7-9, 1987, time-frame; and (4) the December IOGB meeting be tentatively scheduled for December 10-12, 1987, at the Board's office.

**Doyle Markham dba Snake River Llamas:** The Board reviewed the amendment request for llama packing in Owyhee County and the Environment Assessment prepared by the Boise District of the BLM addressing this proposed activity. The Board directs that a letter be written in response to the E.A. saying that in its view the preferred action appears appropriate and that the Board, following discussion by phone with Steve Addington on this matter, will approve Mr. Markham's amendment request, following which MSC (Baird--Miller) THAT MR. MARKHAM'S AMENDMENT REQUEST BE APPROVED FOR A LLAMA PACKING OPERATION IN OWYHEE COUNTY IN ACCORDANCE WITH THE CRITERIA AS SET FORTH IN BLM'S E.A.; THAT IS, NORTH FORK OWYHEE RIVER, POLE CREEK, UPPER DEEP CREEK/NICKEL CREEK AREA FOR TREKS APRIL 1 THROUGH JUNE 30 AND THAT LLAMA PACKING IN THE EAST FORK OWYHEE RIVER AND BATTLE CREEK AREA BE LIMITED TO THE FALL PERIOD, AUGUST 20 THROUGH OCTOBER. FURTHER, THAT THE AMENDMENT BE ISSUED SUBJECT TO THE ISSUE OF A SPECIAL USE PERMIT BY THE BUREAU OF LAND MANAGEMENT.

**School of Urban & Wilderness Survival:** The Board reviewed the amendment request to extend the School's area of operation to include lands in Owyhee County previously reviewed by Board members in January with an amendment issued on January 21, 1987. MSC (Vaughn--Farr) THAT SAID BOARD ACTION BE APPROVED.

**Mark Watson:** The Board reviewed Mr. Watson's guide license application for cross-country skiing and overnight tours, following which MSC (Vaughn--Farr) THAT THE BOARD CONCUR WITH THE RECOMMENDATION MADE BY THE SKI COMMITTEE AND THAT A LICENSE BE ISSUED.

**David M. Friedman:** The Board reviewed Mr. Friedman's outfitter license application and the circumstances surrounding the consideration of and issue of a license, MSC (Vaughn--Baird) THAT THE BOARD AFFIRM THE ACTION TAKEN BY THE CHAIRMAN IN THE ISSUE OF THIS LICENSE ON A PROBATIONARY BASIS WITH AN APPROPRIATE LETTER OF REPRIMAND CONCERNING SAME.

**Lemhi Bear/Cougar & Custer Cougar Joint-Use Areas:** The Board reviewed the use reports of those individuals licensed for these activities within these respective counties and it was found that 8 licensed outfitters in Lemhi County and 4 licensed outfitters in Custer County show zero or limited use of their licensed privileges. Following consideration and discussion of this matter relative to stated Board policy concerning "stacking" of such activities in these areas [see April 1986 Board Minutes, pages 7 & 8] and criteria as set forth in Rule 22, MSC (Vaughn--Miller) THAT THE FOLLOWING INDIVIDUALS BE NOTIFIED THAT THEY ARE IN NONUSE STATUS AND ASKED TO COME IN FOR A SHOW-CAUSE HEARING FOR SUSPENSION OR REVOCATION OF BEAR AND/OR COUGAR HUNTING PRIVILEGES AS CURRENTLY LICENSED: (A) LEMHI BEAR/COUGAR - DARE ANDERSON, MARTIN CAPPS, RICK HUSSEY, LARRY MOATS, AND DICK McAFEE; (B) LEMHI COUGAR ONLY - CLIFF CUMMINGS, EARL KEATING, AND GARRY MERRITT; AND (C) CUSTER COUGAR - JEFF BITTON AND DIAMOND D RANCH.

The Board recessed at 1745 hours and reconvened on Tuesday, February 10, 1987, at 0830 hours with all Board members present.

At 0900 hours the Board went to the Governor's office and met with Max Peterson of the USFS to discuss a working relationship between the Board and the USFS. Following this meeting, the Board returned to its Boardroom at 1100 hours.

**Harold Roberts/Teton Expeditions--Glen Foster, M.A.:** The Board met with Messrs. Roberts and Foster regarding the proposed purchase and transfer of the Henry's Fork of the Snake River

business from Teton Expeditions to Mr. Roberts, following which MSC (Farr--Miller) THAT THE TRANSFER OF BUSINESS BE APPROVED WITH THE ISSUED OF A 1987-1988 LICENSE UPON COMPLETION OF THE APPLICATION. FURTHER, THE BOARD WILL INITIATE RESEARCH WITH THE IDAHO DEPARTMENT OF FISH AND GAME RELATIVE TO THE ADDITION OF WADE FISHING ON BUFFALO, WARM, AND FALL RIVERS TO ASCERTAIN ITS RECOMMENDATION RELATIVE TO THIS ACTIVITY ON THESE WATERS. THUS, THE ISSUE OF LICENSE SHOULD BE WITHHELD UNTIL THIS RESEARCH IS COMPLETED AND DECISION MADE AT THE MARCH MEETING.

**James E. Champion dba J & J Outfitters/Teton Expeditions-Glen Foster, M.A.:** The Board met with Messrs. Champion and Foster relative to Mr. Champion's purchase of Teton Expeditions business on the South Fork of the Snake River and on Teton River, following which MSC (Vaughn--Farr) THAT THE TRANSFER BE APPROVED AND LICENSE ISSUED UPON COMPLETION OF APPLICATION. THIS LICENSE ALSO INCLUDES FISHING ON PALISADES RESERVOIR; HOWEVER, THIS IS NOT A REMOVAL OF FISHING ACTIVITIES BY TETON EXPEDITIONS ON PALISADES RESERVOIR BUT RATHER AN ADDED ACTIVITY TO MR. CHAMPION'S OPERATION.

The Board recessed at 1215 hours and reconvened at 1315 hours.

**Board Minutes:** The Board reviewed the Minutes of its December meeting, following which MSC (Farr--Baird) THAT THE MINUTES BE APPROVED AS CORRECTED.

**June Board Meeting:** It was determined that June 1-5, 1987, would be designated for the Board meeting with appointments scheduled for June 3-5, 1987, and June 1-2, 1987, held open and used as necessary.

**Richard P. Helfrich:** The Board reviewed Mr. Helfrich's use status on the Salmon River from Vinegar Creek downstream on SA7A and SA8 and the BLM's letter received January 28, 1987, regarding the licensing of Mr. Helfrich on these river reaches. Following a discussion of same, MSC (Miller--Vaughn) THAT MR. HELFRICH'S LICENSE BE RENEWED FOR THE SALMON RIVER-HAMMER CREEK TO THE CONFLUENCE [SA8] IN ACCORDANCE WITH THE BLM PERMIT STIPULATION [SEE BLM LETTER RECEIVED 1/28/87] AND THAT THE SALMON RIVER REACH FROM VINEGAR CREEK TO HAMMER CREEK [SA7A] BE DELETED FROM SAID LICENSE PENDING THE BOARD'S CONTACTING MR. HELFRICH REGARDING HIS INTEREST OR DISINTEREST IN CONTINUING TO BE LICENSED ON SA7A AS HE APPARENTLY INDICATED TO THE BLM.

**Darrell Atkinson:** The Board met with Mr. Atkinson and reviewed his outfitter application to be licensed for a charter boat fishing operation on Lake Pend Oreille, Pend Oreille River, and Clark Fork River, following which MSC (Farr--Baird) THAT THE LICENSE BE APPROVED.

**Michael Scott/Philip A. Johnson:** The Board met with Messrs. Scott and Johnson relative to the proposed sale and transfer of Mr. Johnson's business to Mr. Scott and discussed the apparent nonuse by Mr. Johnson of his licensed privileges. It was determined that, because nonuse was due to Mr. Johnson's poor health which limited his ability to conduct an active outfitter operation, removal of licensed privileges for nonuse was not applicable in this instance. Following said review and discussion, MSC (Baird--Vaughn) THAT THE APPLICATION FOR TRANSFER AND SALE OF BUSINESS BE APPROVED FOR THOSE ACTIVITIES LICENSED TO MR. JOHNSON WITH THE EXCEPTIONS THAT COUGAR BE DESIGNATED AS INCIDENTAL AND THAT FLOAT BOATING ON THE SALMON RIVER FROM BELOW RED FISH LAKE TO SLATE CREEK [SA1] NOT BE INCLUDED ON THE LICENSE BUT THAT MR. SCOTT BE NOTIFIED THAT HIS NAME WILL BE PLACED ON THE CONSIDERATION LIST FOR LICENSING ON THE SALMON RIVER FROM SLATE CREEK TO THE FIRST BRIDGE ABOVE CHALLIS IF AND WHEN SUCH RIVER REACH IS OPENED FOR COMMERCIAL OUTFITTING. [This action is pending the satisfactory completion of the application (Rule 11) and a re-negotiated sales contract and consideration of same by the Board for inclusion in the official file.]

**Martin J. Mattson:** The Board reviewed Mr. Mattson's outfitter license application for snowmobiling activities out of the West Yellowstone area, following which MSC (Farr--Vaughn) THAT MR. MATTSON'S APPLICATION BE APPROVED AND THAT HIS REQUESTED AREA OF OPERATION ADDRESS IDAHO DEPARTMENT OF FISH AND GAME CONCERNS RELATIVE TO WINTERING WILDLIFE POPULATIONS AND USFS COMMENTS AND INCLUDE ONLY FISH AND GAME MANAGEMENT UNITS 60 AND 61.

**Robert L. Stewart:** The Board reviewed Mr. Stewart's amendment request to add trailrides, backpacking, and fishing to his licensed activities to occur within the area for which he is currently licensed for hunting. Following a review of this file and the response from the Idaho Department of Fish and Game and concurrence by the Forest Service that Mr. Stewart would be considered eligible for an outfitting special use permit, MSC (Farr--Baird) THAT THE AMENDMENT REQUEST BE APPROVED.

The Board recessed at 1712 hours and reconvened on Wednesday, February 11, 1987, at 0830 hours with all members present.

**Idaho Guide Service/Olin Gardner, M.A.:** The Board reviewed the file on Mr. Gardner's request regarding power boating privileges on the Snake River Birds of Prey area [SN5], following which MSC (Vaughn--Miller) THAT THIS AMENDMENT REQUEST BE APPROVED AND ISSUED ADMINISTRATIVELY.

**Roy L. Woltz:** The Board reviewed Mr. Woltz's file and found that he has not completed his application requirements for licensing on the Clearwater and Selway Rivers, following which MSC (Vaughn--Baird) THAT MR. WOLTZ BE NOTIFIED THAT DUE TO HIS FAILURE TO FULFILL LICENSE APPLICATION REQUIREMENTS AS OUTLINED TO HIM ON VARIOUS OCCASIONS, MOST NOTABLY THE BOARD'S LETTER DATED DECEMBER 23, 1986, HE BE REMOVED FROM ANY FURTHER CONSIDERATION FOR LICENSING ON THE CLEARWATER AND SELWAY RIVERS.

**Michael F. Howard:** The Board reviewed Mr. Howard's outfitter license application for power boating on the Clearwater River--Orofino to Lewiston [CL3] and directs that he be informed that his name will be placed on the consideration list for an outfitter license at that point and time when a vacancy becomes available.

**Dave Powers:** The Board reviewed Mr. Powers' amendment request for an additional area to that area to which he is currently licensed along with the matter of his having falsified his outfitter license application in the past as regards conviction of a felony in the State of Mississippi and noted that he has consistently answered "No" to this question as well as "No" to the conviction for Fish and Game violations on all applications to date, following which MSC (Farr--Miller) THAT THE BOARD DENY MR. POWERS' AMENDMENT REQUEST AND, FURTHER, THAT A SHOW-CAUSE HEARING BE ESTABLISHED FOR THE MARCH BOARD MEETING FOR SUSPENSION OR REVOCATION OF HIS LICENSE IN ACCORDANCE WITH IDAHO CODE 36-2113(a)(1)(3)&(14) AND 36-2113(b).

**Gary Lane/Don Merrell:** The Board met with Mr. Lane and reviewed his outfitter license application for the purchase of the float boating business of Mr. Merrell on the Salmon River--Vinegar Creek to Hammer Creek [SA7A] and on the Salmon River--Hammer Creek to Heller Bar or Lewiston on the Snake River [SAB] along with Mr. Lane's request to be licensed on the Snake River--Murtaugh Section [SN2] and his further request to be placed on the consideration list for float boating activities on the Jarbidge/Bruneau Rivers [JB1] and the Owyhee River [OW1 & OW2], and, also, for chukar hunting along the river corridors on the lower Salmon [SA7A & SAB], following which MSC (Farr--Baird) THAT MR. LANE'S APPLICATION BE APPROVED FOR THE PURCHASE OF THE MERRELL BUSINESS FOR BOATING ACTIVITIES ON SA7A AND SAB WITH THE ADDITION OF CHUKAR HUNTING ALONG THESE RIVER CORRIDORS; THAT HE BE LICENSED ON THE MURTAUGH SECTION OF THE SNAKE RIVER [SN2] PENDING COMPLETION OF THE TRAINING REQUIREMENTS, AND THAT THE BOARD ACCEPT HIS CREDENTIALS FOR LEAD BOATMAN STATUS ON SA7A AND SAB.

The Board recessed for lunch at 1210 hours and reconvened at 1330 hours.

**Randy Berry/John Pehrson:** Messrs. Berry and Pehrson met with the Board to discuss various matters relating to the outfitting industry with particular emphasis on enforcement or lack thereof and the necessary procedure for going to rules-making regarding licensed activities on Fall River. Following this meeting, they were provided with the paperwork necessary to file a petition with the Board for such rules-making.

**David Ramsey dba Ramsey's Idaho Trails:** Mr. Ramsey appeared before the Board relative to his outfitter application to be licensed for fishing and trailrides on the Cassia/Albion/Sublette Divisions of the Sawtooth National Forest. Following this interview, MSC (Farr--Miller) THAT THIS APPLICATION BE APPROVED WITH LICENSE ISSUE PENDING COMPLETION WITH THE EXCEPTION OF FISHING WHICH WILL BE RESEARCHED WITH THE IDAHO DEPARTMENT OF FISH AND GAME AND LATER ADDED ADMINISTRATIVELY IF FISH AND GAME HAS NO OBJECTION TO THE ACTIVITY.

**River Challenge, Inc./Gerald P. Kooyers, M.A.:** The Board conducted Nonuse Hearing N-00332 for the removal of power boating on the Salmon River from Vinegar Creek to Heller Bar/Lewiston [SA7A and SA8] and on the Snake River from Hells Canyon Dam to Lewiston [SN7 and SN8]. Following the hearing, MSC (Farr--Vaughn) THAT IT BE THE BOARD DECISION TO FIND MR. KOOYERS IN NONUSE STATUS ON THE SNAKE RIVER-HELLS CANYON DAM TO PITTSBURG LANDING [SN7] AND THAT THIS LICENSED ACTIVITY BE DELETED FROM MR. KOOYERS' LICENSE. FURTHER, THAT THE BOARD DOES NOT FIND MR. KOOYERS IN NONUSE STATUS ON THE SNAKE RIVER-PITTSBURG LANDING TO LEWISTON [SN8] NOR ON THE SALMON RIVER-VINEGAR CREEK TO HELLER BAR/LEWISTON [SA7A AND SA8]. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH 36-2113(13) AND IDAHO OUTFITTERS AND GUIDES BOARD RULE 22.

**Ray Hamell/River Challenge, Inc.-Gerald Kooyers, M.A.:** Messrs. Hamell and Kooyers appeared before the Board to discuss the proposed sale and transfer of power boating activities currently held by River Challenge, Inc. to Ray P. Hamell, following which MSC (Miller--Vaughn) THAT THE PROPOSED SALE AND TRANSFER OF BUSINESS BE APPROVED PENDING COMPLETION OF THE APPLICATION AND THAT A LICENSE BE ISSUED TO MR. HAMELL FOR POWER BOATING ACTIVITIES ON THE SNAKE RIVER-PITTSBURG LANDING TO LEWISTON [SN8] AND POWER BOATING ACTIVITIES ON THE SALMON RIVER-VINEGAR CREEK TO HAMMER CREEK TO LEWISTON [SA7A AND SA8].

The Board recessed at 1705 hours and reconvened on Thursday, February 12, 1987, at 0830 hours with all members present.

**Bradley E. Meiller:** The Board reviewed the letter of inquiry from the U.S. District Court regarding his licenseability as a guide and Mr. Meiller's file and directed that the Administrative Secretary draft a letter in response to the court stating that in view of the Outfitters and Guides Act, specifically 36-2113, noting that conviction of a felony could be grounds for revocation or denial of a guide license and that, in this regard, the guide license applications made by Mr. Meiller since 1982 have been falsified by stating "No"...that he has not been convicted of a felony. Thus, it is likely that the Board would deny any further licensing of Mr. Meiller with this knowledge now in hand.

**Jerry Jeppson/Scott Farr dba Wilderness Outfitters:** The Board interviewed Mr. Jeppson relative to his purchase of Mr. Farr's licensed hunting activities in Fish and Game Management Units 20A, 26, and 27, following which MSC (Vaughn--Miller; Farr abstained) THAT THE PROPOSED SALE OF BUSINESS BE APPROVED AND THAT A LICENSE BE ISSUED PENDING COMPLETION OF THE APPLICATION WITH MR. JEPPESSON, AT THIS TIME, NOT QUALIFIED TO GUIDE, BUT WITH THE UNDERSTANDING THAT SCOTT FARR WILL BE LICENSED AS HIS GUIDE IN THE INTERIM UNTIL SUCH TIME AS MR. JEPPESSON HAS CONCLUDED THE FIRST AID COURSE AND SUBMITTED EVIDENCE OF SUCH TRAINING.

**Jerry Jeppson/Bob Gillihan:** Messrs. Jeppson and Gillihan appeared before the Board to discuss the proposed transfer and sale of Mr. Gillihan's business to Mr. Jeppson. Following a discussion of this matter, the Board directed that resolution of the corporate status of Gillihan and Stoddard, Inc. would need to be resolved prior to the Board's being able to take any action and that this proposed transfer and sale of business would need to be reviewed by the Forest Service relative to the issuance of applicable special use permits. Further, that Messrs. Jeppson and Gillihan would appear before the Board on Friday, February 13, 1987, at 3:00 p.m. to update the Board on these matters.

**Art Seamans-Hells Canyon National Recreation Area:** Mr. Seamans met with the Board to discuss various aspects of Board/Forest Service cooperation in the licensing of activities on the Snake River from Hells Canyon Dam to Lewiston. He will provide the Board with letters regarding various other matters which were discussed so that the Board can review and take further appropriate action.

The Board recessed for lunch at 1210 hours and reconvened at 1330 hours.

**Terry Ring/Silver Creek Outfitters:** Mr. Ring appeared before the Board to discuss the licensing of upland game birds and waterfowl hunting and the Board's position relative to licensing of same. The discussion revolved around the background to this issue with no decision made regarding an applicable resolution to the problem.

**Sun Valley Helicopter Ski Guides, Inc./Carl Rixon, M.A.:** The Board reviewed Mr. Rixon's amendment request to add hiking, backpacking, mountain bike touring, and fishing to their licensed activities. Following a review of the file and input received from the Idaho Department of Fish and Game plus the fact that other applicants have been denied licenses for similar activities in the requested areas, MSC (Baird--Vaughn) THAT SUN VALLEY HELICOPTER SKI GUIDE'S APPLICATION BE DENIED UNDER AUTHORITY OF IDAHO CODE 36-2109(b)(4) AND (b)(5).

**Richard D. Armiger dba Paradise Outfitters:** The Board reviewed Mr. Armiger's amendment request for additional territory for the conduct of all licensed activities, following which it was directed that a letter be addressed to Mr. Armiger requesting that he come before the Board to explain why he believes it necessary to have this additional area and how he would propose to operate it in conjunction with his currently licensed territory.

**Policy-Rule 28.c.:** Following a review of this matter, it is the Board's policy that until it is in a position to adequately assess the resources and conditions surrounding the re-issuing of licenses, advertising for re-issue of appropriate licenses will not be made. However, applicants interested in the applicable activities shall be notified that their names are being placed on the consideration list for evaluation at such time as re-allocation of licensed activities is made. Further, in those instances where research appears necessary with appropriate land managing agencies, that this be initiated to ascertain their interest and recommendation regarding re-allocation of the activities/areas.

**Public Rules Hearing:** The hearing was scheduled and opened at 1500 hours as was published in accordance with the Administrative Procedures Act, that 2 witnesses appeared to offer testimony before the Board regarding these Rules, that the Board took note of written communications which had been received, and that the hearing was declared closed at 1706 hours.

The Board recessed at 1710 hours and reconvened on Friday, February 13, 1987, at 0830 hours with all members present.

**Amended Legislative Package:** The Board reviewed the amended proposed legislation, following which MSC (Baird--Miller) THAT THIS PROPOSAL BE GIVEN TO SENATOR BEITELSPACHER FOR INTRODUCTION TO THE LEGISLATURE RELATIVE TO AMENDMENT THE OUTFITTERS AND GUIDES ACT.

**Mitchell P. McFarland dba Bighorn Outfitters:** The Board conducted a hearing [Case No. R-239] concerning the suspension or revocation of Mr. McFarland's outfitter license for alleged third party arrangements for bear and cougar hunting. Following the hearing and a discussion of this matter, MSC (Baird--Farr) THAT THE FACTS INDICATE THAT MR. McFARLAND DID ENTER INTO A THIRD PARTY AGREEMENT CONTRARY TO THE STATUTE AND THAT THE BOARD ORDERS THE PRIVILEGES AND HUNTING BEAR AND COUGAR RELATIVE TO ANY OUTFITTING OR GUIDING LICENSE ISSUED TO OR TO BE ISSUED TO MR. McFARLAND BE REVOKED.

**High Country Outfitters, Inc./Quentin Selby, M.A.:** The Board reviewed Mr. Selby's request for rehearing on the denial of his outfitter license and, in turn, reviewed the response letter prepared by the Board's attorney in regard to this matter, following which MSC (Baird--Vaughn) THAT THE LETTER AS DRAFTED BY THE BOARD'S ATTORNEY BE APPROVED WITH DISTRIBUTION TO APPROPRIATE PARTIES [CERTIFIED MAIL, RETURN RECEIPT REQUESTED TO QUENTIN SELBY]. FURTHER, THAT UNLESS SPECIFIC INFORMATION/DATA AS OUTLINED IN THE LETTER IS RECEIVED BY THE BOARD WITHIN FIFTEEN (15) DAYS FROM RECEIPT OF THE BOARD'S LETTER, THE BOARD'S PRIOR ACTION IS FINAL.

The Board recessed for lunch at 1140 hours and reconvened at 1320 hours.

**B-Bar-C Outfitters, Inc./Michael J. Stockton, M.A.:** The Board reviewed the files on this matter and the amendment request by B-Bar-C to designate Mr. Stockton as Managing Agent, following which MSC (Miller--Vaughn) THAT MR. STOCKTON BE APPROVED AS THE MANAGING AGENT FOR B-BAR-C OUTFITTERS AS REQUESTED BY BOTH B-BAR-C AND MR. STOCKTON FOR THE BALANCE OF THE 1986-1987 LICENSE YEAR. HOWEVER, PRIOR TO ISSUE OF THE 1987-1988 B-BAR-C/MIKE STOCKTON LICENSES, MR. STOCKTON IS TO BE REQUESTED TO SUBMIT AN OPERATING PLAN TOGETHER WITH FOREST SERVICE APPROVAL AND ISSUE OF APPROPRIATE SPECIAL USE PERMIT OUTLINING HIS PLANS FOR COORDINATED USE/MANAGEMENT OF LICENSED AREAS, ACTIVITIES, AND SERVICE TO THAT CLIENTELE HE PROPOSES TO SERVE.

**Marriner R. Jensen:** The Board reviewed Mr. Jensen's letter addressing a complaint for alleged harrassment of a private hunting party this past deer season in Mr. Jensen's hunting area.

The Board reviewed this matter and Mr. Jensen's explanation, following which MSC (Vaughn--Farr) THAT THE BOARD CONCLUDE ITS RESEARCH OF THIS MATTER AND FIND THAT EVIDENCE DOES NOT SUPPORT ANY FURTHER ACTION BEING TAKEN AND THAT THE BOARD, THEREFORE, CONSIDERS THE MATTER CLOSED.

**Bighorn Outfitters/Curt Thompson & Mike Hammett, M.A.'s:** Messrs. Thompson and Hammett met with the Board together with Mitch McFarland regarding the purchase and transfer of business from Mr. McFarland to Messes. Hammett and Thompson. Following an interview before the Board and in consideration of the proposed sale of business, MSC (Baird--Farr) THAT UPON A STIPULATION BY MR. McFARLAND THAT NO APPEAL OF THE BOARD'S ACTION REVOKING HIS BEAR AND COUGAR OUTFITTING/GUIDING PRIVILEGES WILL BE PURSUED, THE BOARD APPROVE THE SALE AND TRANSFER OF BIGHORN OUTFITTERS TO THE PARTNERSHIP OF THOMPSON, HAMMETT, AND FRAZIER dba BIGHORN OUTFITTERS. UPON COMPLETION OF THE NECESSARY PAPERWORK AND AGREEMENT TO THE ASSUMPTION BY THE ABOVE-STATED PARTNERSHIP OF THE CONTRACT BETWEEN McFARLAND AND JOHN T. BOOKER BY MR. BOOKER, THE REQUESTED OUTFITTER LICENSES WILL BE ISSUED.

**Bighorn Outfitters/Curt Thompson & Mike Hammett, M.A.'s:** The Board met with Messrs. Thompson and Hammett relative to their requested amendment to add bear and cougar hunting to the previously approved licensed activities, following which MSC (Farr--Vaughn) THAT THE AMENDMENT BE APPROVED.

**Stanley Paul Meholchick:** The Board reviewed the communication received from the Forest Service in issue of special use permit for the conduct of activities on the Boise National Forest. Following a review of the file in this matter, MSC (Baird--Vaughn) THAT THE CHAIRMAN WRITE A LETTER TO THE FOREST SUPERVISOR STATING THAT THE BOARD WAS UNDER SPECIFIC TIME CONSTRAINTS TO RESPOND TO MR. MEHOLCHICK'S APPLICATION AND WAS UNABLE TO DEFINE ANY SUBSTANTIAL REASON FOR DENYING HIS AMENDMENT REQUEST. FURTHER, THAT THE BOARD DID RESEARCH THE AMENDMENT REQUEST AND TOOK STEPS TO MODIFY THE REQUEST IN RECOGNITION OF THE COMMENTS RECEIVED FROM THE IDAHO DEPARTMENT OF FISH AND GAME AND THE U.S. FOREST SERVICE.

**James Fowler:** Mr. Fowler met with the Board to respond to the alleged violation of his license in the conduct of bird and waterfowl hunting. The Board finds that: (1) Mr. Fowler, in accordance with his statements before the Board, did conduct his guided hunts within his licensed area; (2) there is no substantial evidence to the contrary; and (3) given the foregoing circumstances, that no further action is warranted.

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**Complaints on Licensed Outfitters/Guides:** The Board reviewed the complaint files and directed that the Chairman take appropriate action in attempting a resolution of said complaints.

All Board business being concluded, the Board adjourned at 1725 hours.

  
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WILLIAM R. MEINERS, Chairman of the Board

ATTEST:

  
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LINDA L. ELWOOD, Administrative Secretary