

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

June 1, 1988  
Boardroom - Boise, Idaho

Chairman Meiners convened a special meeting on Wednesday, June 1, 1988 at 0930 hours with all Board members present.

**Memorandum of Understanding:** A meeting was held with representatives of the U.S. Forest Service to discuss the supplemental Amendment #1. Also present were Shirley Lindstrom of Senator McClure's office, Grant Simonds of the Idaho Outfitters and Guides Association, and Dan Chadwick, the Board's attorney. Following a review and discussion of proposed Amendment #1 to the Memorandum of Understanding (MOU) by and between the Board and U.S. Forest Service (Regions I, IV, and VI) wherein prior areas of concern appear to have been reconciled, MSC (Miller--Crane) THAT THE BOARD: (1) APPROVE AMENDMENT #1 TO THE MOU AS DISCUSSED THIS DATE (6/1/88) WITH DELETION OF THE LAST SENTENCE IN STEP #9, EXHIBIT #2 TO AMENDMENT #1; AND (2) AUTHORIZE THE CHAIRMAN TO SIGN SAME IN BEHALF OF THE BOARD, EFFECTIVE JUNE 1, 1988.

**Amendment #2--MOU:** Following a discussion of Amendment #2 which sets forth the procedures to be followed in the event that an impasse between the Board and Forest Service should occur relative to the interpretation and application of the MOU, MSC (Miller--Vaughn) THAT THE BOARD APPROVE AMENDMENT #2 TO THE MOU AND EMPOWERS THE CHAIRMAN TO SIGN THE APPROPRIATE DOCUMENT, EFFECTIVE JUNE 1, 1988.

**Legal Assistance:** The Board discussed with its Attorney Dan Chadwick the possibility of employing a half-time attorney rather than the arrangement currently enjoyed by the Board with the Attorney General's office. Following a discussion wherein it appears that the Board could share an attorney with the Department of Agriculture's Pesticide Division which would further facilitate the Board's legal matters, MSC (Baird--Miller) THAT THE BOARD MOVE TO EMPLOY A HALF-TIME ATTORNEY WITH THE ATTORNEY GENERAL'S OFFICE IF SUCH ARRANGEMENTS CAN BE MADE.

The Board recessed for lunch at 1150 hours and reconvened at 1320 hours.

**McGarry Brothers/Theron R. McGarry, M.A.:** The Board reviewed its prior action as recorded on page 11 of the Minutes of its prior May 9-13, 1988 meeting wherein the Board tabled any further action on Mr. McGarry's outfitter license application pending receipt of a recommendation from the Forest Service regarding his area of operation. Following a review of the Forest Service's recommendation and discussion of the matter, MSC (Miller--Baird) THAT THE BOARD'S TABLED ACTION BE BROUGHT BEFORE THE BOARD FOR RECONSIDERATION.

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**McGarry Brothers/Theron R. McGarry, M.A.:** The Board reviewed Mr. McGarry's file and letter of recommendation from the U.S. Forest Service regarding the area description for Mr. McGarry's area of operation. Following a discussion of this matter, MSC (Vaughn--Baird) THAT MR. MCGARRY'S OUTFITTER LICENSE APPLICATION BE APPROVED WITH THE AREA DESCRIPTION BEING AS SUBMITTED AND AS OUTLINED IN RED ON THE MAP SUBMITTED BY THE FOREST SERVICE DATED MAY 25, 1988.

**POLICY - Waiver of Rule 53:** The Board discussed the matter of receipt of request for a waiver of Rule 53 and Board Member Hank Miller's letter regarding same along with the letter of recommendation from the Board's attorney dated May 25, 1988, following which MSC (Miller--Crane; Vaughn voted "no") THAT THE BOARD ADOPT AS ITS POLICY AND IN ACCORDANCE WITH THE RECOMMENDATIONS MADE BY ITS ATTORNEY THE FOLLOWING: (1) ANY REQUEST FOR A WAIVER OF RULE 53 BE MADE IN WRITING BY THE OUTFITTER WHO IS CONDUCTING THE PARTICULAR FLOAT TRIP; (2) REQUEST OF THE OUTFITTER MUST BE SUPPORTED IN WRITING BY THE CLIENT WHO WISHES TO TAKE ADVANTAGE OF ANY EXCEPTION GRANTED BY THE BOARD; (3) ANY REQUEST MUST CONTAIN ENOUGH DETAIL WHICH SETS FORTH THE TYPE OF EXCEPTION REQUESTED, THE TYPE OF CRAFT INVOLVED, ANY PREVIOUS RIVER EXPERIENCE, SUPERVISION BY THE OUTFITTER, SAFETY SYSTEMS THE OUTFITTER WILL EMPLOY, AND A STATEMENT THAT THE OUTFITTER ASSUMES ALL LIABILITY FOR THE CONDUCT OF THE TRIP INVOLVING THE EXCEPTION; (4) A STATEMENT FROM THE CLIENT WHICH WILL HOLD THE BOARD HARMLESS FROM LIABILITY FOR GRANTING THE EXCEPTION; (5) A STATEMENT FROM THE CLIENT THAT HE UNDERSTANDS AND ACCEPTS THE CONDITIONS UNDER WHICH THE SERVICES ARE TO BE PROVIDED BY THE OUTFITTER WITH REGARD TO THE REQUESTED EXCEPTION TO RULE 53; (6) THAT IN CONDUCT OF THE TRIP, THE OUTFITTER SHALL CONDUCT THE TRIP IN A MANNER WHERE CLIENTS GRANTED SAID WAIVER SHALL BE CONDUCTED WITHIN THE CONFINES OF THE LEAD AND DRAG BOATMEN WHILE ON THE WATER; AND (7) ANY WAIVER GRANTED BY THE BOARD SHALL BE LIMITED TO THOSE CLIENTS IDENTIFIED IN THE REQUEST BY THE OUTFITTER AND CLIENT AS BEING PASSENGERS IN THE CRAFT INVOLVED. [Administrative Note: Hank will prepare a form which will set forth the requirements by the Board to enable a consistent response by the outfitter to meet the foregoing criteria set forth as necessary to obtain an exception/waiver to Rule 53.]

**Bernard Kutzscher:** The Board considered Mr. Kutzscher's request to be relicensed as a float boatman for the conduct of one (1) trip under ECHO: The Wilderness Company on the Main Salmon River, following which MSC (Miller--Baird) THAT SAID GUIDE LICENSE BE APPROVED SUBJECT TO THE CHAIRMAN'S REVIEW OF ADDITIONAL INFORMATION BEING SUBMITTED REGARDING THIS REQUEST.

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**Richard A. Epstein:** The Board reviewed Mr. Epstein's guide license application and file, following which MSC (Miller--Vaughn) THAT MR. EPSTEIN BE APPROVED AS FLOAT BOATMAN UPON COMPLETION OF ONE (1) TRIP ON WATERS REQUESTED, NAMELY MF1, MF2, SA6, AND SE1.

**David K. Stratton:** The Board reviewed Mr. Stratton's guide license application and qualifications submitted for licensing as a float boatman, following which MSC (Miller--Vaughn) THAT MR. STRATTON BE APPROVED AS A FLOAT BOATMAN ON SA6 UPON COMPLETION OF ONE (1) TRIP ON SA6.

**Rick W. Stevens:** The Board reviewed Mr. Stevens' guide license application to become licensed as a float boatman on the Salmon River from Boundary Creek to Indian Creek and from Indian Creek to the confluence [MF1 and MF2]. Following this review and in consideration of his qualifications, MSC (Miller--Crane) THAT MR. STEVENS BE APPROVED FOR ISSUANCE OF A FLOAT BOATMAN LICENSE UPON COMPLETION OF ONE (1) TRIP ON MF1 AND MF2.

**Shelley Fisher:** The Board reviewed Ms. Fisher's guide license application to become licensed as a lead boatman on the Payette River from Banks to Black Canyon Dam [PA1], following which MSC (Miller--Vaughn) THAT MS. FISHER'S APPLICATION BE HELD WITH A LETTER TO HER ADVISING THAT THE BOARD CANNOT ACCEPT HER QUALIFICATIONS AS SUBMITTED, THAT SUCH QUALIFICATIONS MUST BE SUBMITTED AS A NOTARIZED STATEMENT OF EXPERIENCE. UPON RECEIPT OF SAID STATEMENT AND REVIEW/ACCEPTANCE BY THE CHAIRMAN, HER LICENSE CAN BE ISSUED.

**Earl F. Dodds:** The Board reviewed Mr. Dodds' guide license application together with the resubmitted area description applicable to the Cutler Umbach dba High Llama Wilderness Tours' outfitter license application. Following this review and discussion of the area description and Mr. Dodds' request that his winter emergency care course obtained in association with the National Ski Patrol system be accepted as equivalent to meeting the criteria of an American Red Cross Multimedia course, MSC (Miller--Vaughn) THAT: (1) THE AREA DESCRIPTION AS SUBMITTED FOR CUTLER UMBACH dba HIGH LLAMA WILDERNESS TOURS' OUTFITTER LICENSED AREA BE ACCEPTED AND (2) THAT MR. DODDS' FIRST AID CREDENTIALS BE ACCEPTED WITH A GUIDE LICENSE ISSUED.

**POLICY - American Red Cross Cards:** Following a discussion and in consideration of Mr. Dodds' request regarding the equivalency of the Winter Emergency Care Course conducted in conjunction with the National Ski Patrol system, MSC (Miller--Crane) THAT IT BE A BOARD POLICY THAT SUCH WINTER EMERGENCY CARE COURSES BE CONSIDERED AS ADEQUATE FIRST AID TRAINING AS REQUIRED BY THE BOARD.

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**Quaker Hill Conference, Inc./Mike Crevelt, M.A.:** The Board reviewed Mr. Crevelt's correspondence dated May 26, 1988 regarding his request to be licensed for technical mountaineering and rock climbing. In discussion and review of the submitted materials, MSC (Miller--Crane) THAT SAID MATERIALS BE REFERRED TO THE BOARD'S TECHNICAL COMMITTEE FOR REVIEW AND RECOMMENDATION BEFORE TAKING ANY FURTHER ACTION. FURTHER, THAT IN THE EVENT THE TECHNICAL COMMITTEE MAKES A RECOMMENDATION FOR APPROVAL OF MR. CREVELT'S REQUEST, SAID AMENDMENT BE ADDED TO QUAKER HILL CONFERENCE'S LICENSED ACTIVITIES WITH MR. CREVELT LICENSED AS QUALIFIED TO GUIDE SAME IN ACCORDANCE WITH HIS MAY 26, 1988 LETTER.

**Rulesmaking:** Following a review and update of the proposed draft rules, the Board directs that a clean copy be drafted and submitted to respective members for their consideration with final action to be taken at the Board meeting during the week of June 20th.

The Board concluded its business at 1730 hours.

  
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WILLIAM R. MEINERS, Chairman of the Board

ATTEST:

  
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LINDA L. ELWOOD, Administrative Secretary