

MINUTES

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

Boardroom - Boise, Idaho
November 7-11, 1988

A regular meeting of the Idaho Outfitters and Guides Licensing Board convened at 0830 hours on Monday, November 7, 1988 with all members present except Ron Vaughn. Also present was the Board's attorney Steve Mendive.

Salmon River Properties, Inc./Frank Valvo, D.A.: The Board again reviewed Salmon River Properties, Inc.'s outfitter license application noting the modified application which has been submitted as outlined in a letter to the Board dated September 19, 1988 by Jordan P. Smith, attorney for the company. Said application is to request authorization for the hunting of elk, deer, goat, sheep, antelope, bear, cougar, predators, and birds and the conduct of summer recreational activities of fishing, trailrides, and backpacking. The Board further noted the recommendations made by the U.S. Forest Service and Idaho Department of Fish and Game, namely: day trips only based out of the ranch and further that the number of clientele be limited to twenty (20) elk hunters and forty (40) deer hunters per season inclusive of the archery, muzzle-loader, and controlled hunt seasons with upland bird hunting made as incidental to big game hunting activities. Further, that no restriction be placed on trailrides and backpacking activities within their requested operating area with fishing limited to trout fishing as an incidental activity associated with trailriding and backpacking activities only. Following a discussion of Salmon River Properties, Inc.'s modified application as herein set forth, MSC (Crane--Baird) THAT THE BOARD APPROVE SALMON RIVER PROPERTIES, INC.'S MODIFIED OUTFITTER LICENSE APPLICATION EXCEPT FOR THE HUNTING OF SHEEP AND GOAT. FURTHER, THAT HUNTING SHALL BE ON A DAY-USE ONLY BASIS OFF THE RANCH PROPERTIES, THAT CLIENTELE BE LIMITED TO TWENTY (20) ELK AND FORTY (40) DEER HUNTERS PER SEASON INCLUSIVE OF THE ARCHERY, MUZZLE-LOADER, AND RIFLE SEASONS, THAT UPLAND GAME BIRD HUNTING BE INCIDENTAL TO BIG GAME HUNTING ACTIVITIES, THAT FISHING BE LIMITED TO TROUT FISHING ONLY AS ASSOCIATED WITH BACKPACKING AND TRAILRIDING ACTIVITIES; FURTHER, THAT THE OPERATING AREA IS APPROVED AS REQUESTED. [Linda: I will need to work with you to clean up the operating area description to some extent so that we know just exactly where it fits.]

Rulesmaking, Rule 57, South Fork-Boise River: The Board reviewed Mr. Larry Tripp's comments to the Board regarding its authorization of commercial outfitting and guiding activities on the South Fork of the Boise River. Following a discussion of this matter and review of the Memorandum of Understanding, Amendment #1; Idaho Code, Title 36, Chapter 21; Idaho Outfitters and Guides

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 7th

page 2

Board Rules and Regulations; and the State Administrative Procedures Act; the Board approved the final letter draft in response to Mr. Tripp's concerns on the South Fork of the Boise River and directs that said letter be forwarded immediately.

High Country Outfitters, Inc./Quentin Selby, D.A.: The Board reviewed High Country Outfitters, Inc. file noting that they have refused to take delivery of certified letters to Mr. Selby detailing the Board's action regarding the status of High Country Outfitters, Inc.'s outfitter license. Following a discussion of these matters and upon recommendation of its attorney that: to preclude Mr. Selby from delaying a final decision regarding this matter by claiming he did not receive notice of the Board's action following rehearing on his appeal to the Board in denial of the High Country Outfitters, Inc./Quentin E. Selby, Managing Agent, outfitter licenses, service once again be attempted through certified and regular mail and by personal service of the Valley County Sheriff's Office, MSC (Miller--Baird) THAT THE BOARD ADOPT ITS ATTORNEY'S RECOMMENDATION TO AGAIN ATTEMPT SERVICE UPON MR. SELBY BY REGULAR AND CERTIFIED MAIL AND PERSONAL SERVICE THROUGH THE VALLEY COUNTY SHERIFF'S OFFICE IN NOTIFICATION TO MR. SELBY OF THE BOARD'S ACTION TO RE-AFFIRM ITS DENIAL OF HIGH COUNTRY OUTFITTERS, INC. AND QUENTIN E. SELBY, MANAGING AGENT, LICENSES AND BRING THIS MATTER TO A FINAL RESOLUTION.

FY89 Fiscal Reports: The Board reviewed the Fiscal Reports covering the months of July, August, September, and October. Following a review of said reports, MSC (Baird--Miller) THAT SAID REPORTS BE APPROVED AS PRESENTED.

Board Minutes: The Board reviewed the Minutes of its August 29-September 2, 1988 meeting following which MSC (Baird--Crane) THAT THE AUGUST 29-SEPTEMBER 2, 1988 MINUTES BE APPROVED AS CORRECTED.

Complaints: The Board reviewed the complaints on file and instructed the Chairman to take the necessary steps to answer same.

Inter-Agency Meeting: The Board discussed the Inter-Agency meeting scheduled for the North Star meeting room at the Red Lion Inn-Riverside on Monday, December 5, 1988 from 3:00 PM/MST to 5:00 PM/MST. Further, the Board considered matters for the agenda to come before this meeting and directs that: (1) the M.O.U. and Amendment #1 thereto be discussed; (2) the Board's responsibilities under the State Administrative Procedures Act be reviewed as regards treatment of petitions coming before the

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 7th

page 3

Board regarding Rules and Regulations and procedures relative to appeals of Board decisions; (3) to review the amended Outfitters and Guides Act and Board Rules and Regulations and other matters; and (4) respond to questions, etc. as may be asked/suggested by the agency personnel present.

Richard Leonard/Ellen Shaw: Mr. Leonard and Mrs. Shaw appeared before the Board relative to Mr. Leonard's guide license application to be licensed to Ellen Shaw for the conduct of fishing, trailrides, backpacking, snowmobiling, and cross-country skiing activities. Following a discussion of Mr. Leonard's qualifications to conduct activities as proposed in the expansion of Mrs. Shaw's operation in the Lowman area, the Board instructed Mrs. Shaw and Mr. Leonard to: (1) re-submit a resume of Mr. Leonard's qualifications in greater detail as to his experience and background for Board review and consideration; and (2) define more specifically that area or areas in which they wish to conduct their cross-country skiing activities. Further, that upon receipt of said materials, the Board will evaluate said materials and render its decision at its December meeting if at all possible.

The Board recessed for lunch at 1145 hours and reconvened at 1310 hours.

U.S. Forest Service: The Board reviewed the telephone conversation and request from Tom George of the Pierce Ranger District regarding a proposed cost-share between the Forest Service, the Idaho Department of Fish and Game, and the Idaho Outfitters and Guides Licensing Board for temporary help for purposes of enhancing enforcement efforts on the Pierce Ranger District. Following a discussion of this matter, the Board directs that a letter be addressed to Mr. George requesting that he reduce the proposal to writing as to time, cost, duties, and other associated factors that would be involved in such a proposal for the Board's further consideration.

Fish and Game Commission: The Board reviewed the request by the Idaho Department of Fish and Game Commission for a joint meeting between the Commission and the Board to discuss matters of mutual concern, following which the Board concurred in the suggested December 2, 1988 date for said meeting and further directed that its December meeting be rescheduled to accommodate the Fish and Game Commission's request with said December Board meeting dated scheduled for December 2, 8, and 9.

Kathleen Baggs: The Board reviewed the performance evaluation prepared by its Administrative Secretary and recommendation that Kathleen Baggs be given permanent status and a step increase in wages from Step A to Step B, following which the Board directs that such action be approved.

Outfitter Exam: The Board reviewed the matter of revision and update of the Outfitter Exam following which Hank Miller was requested to review said exam with suggested update and revisions he believes necessary for Board review and action at the December meeting.

Wild River Outfitters/Richard Cook, D.A.: The Board reviewed Mr. Cook's and Wild River Outfitters' files in consideration of the agreement reached in resolution of citation against Mr. Cook for alleged violation of Idaho law [Idaho Code 36-2113(9)] by and between Mr. Cook and the Idaho County Prosecutor as set forth in a letter from Dennis J. Sallaz, attorney for Mr. Cook, dated November 4, 1988 following which MSC (Miller--Vaughn) THAT THE BOARD: (1) ACCEPT SAID AGREEMENT; (2) REVOKE MR. COOK'S DESIGNATED AGENT LICENSE AND REQUEST SAME BE RETURNED TO THE BOARD IMMEDIATELY; AND (3) ISSUE MR. COOK A GUIDE'S LICENSE QUALIFIED AS LEAD BOATMAN ON SA7A AND SA7B, POWER BOATING ON SA7A, SA7B AND SA8, FLOAT BOATING ON SN5, AND CHUKAR HUNTING BUT NOT QUALIFIED ON SA6 UNTIL PROPER TRAINING CREDENTIALS ARE COMPLETE.

Richard Bradbury, Jr.: Mr. Bradbury appeared before the Board concerning his application to become the new Designated Agent of Wild River Outfitters, Inc. Following his interview before the Board concerning this matter and also the proposed sale and transfer of business from Rio Runners, Inc. to Wild River Outfitters, Inc., MSC (Miller--Crane) THAT: (1) THE BOARD ACCEPT AND APPROVE RICHARD BRADBURY, JR. AS DESIGNATED AGENT REPLACING RICHARD COOK FOR WILD RIVER OUTFITTERS, INC.; (2) THE BOARD APPROVE THE PROPOSED SALE AND TRANSFER OF FLOAT BOATING ON THE SALMON RIVER FROM CORN CREEK TO VINEGAR CREEK [SA6] FROM RIO RUNNERS, INC. TO WILD RIVER OUTFITTERS, INC. UPON COMPLETION OF THE NECESSARY PAPERWORK, NAMELY A RELEASE FROM RIO RUNNERS, INC. STATING THAT UPON SATISFACTORY COMPLETION OF THE SALES CONTRACT, THEY HAVE NO FURTHER INTEREST IN THE FLOAT BOATING BUSINESS; (3) THAT THE ACQUISITION OF THE RIO RUNNERS, INC. SHALL BE CONSOLIDATED AND BECOME AN INTEGRAL PART OF WILD RIVER OUTFITTERS, INC.; AND (4) THAT RICHARD BRADBURY, JR. BE DEEMED QUALIFIED TO GUIDE AS LEAD BOATMAN ON SA7A AND SA8 WITH THE FOREGOING TRANSACTION OF BUSINESS AND ISSUE OF LICENSE PENDING PAYMENT OF NECESSARY FEES.

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 7th

page 5

Tony D. Brown dba Mountain Boys Hunting Group: Mr. Brown and his wife Jackie met with the Board to discuss their outfitter license application for the conduct of elk, deer, bear, and cougar hunting in portions of Fish and Game Management Units 1, 4, and 4A. During the interview before the Board and lengthy discussion of Mr. Brown's application, the Board advised Mr. Brown that portions of the area requested are currently licensed to other active outfitters and, therefore, not available to him. Further, that other portions of the areas requested are areas which have been previously licensed to other outfitters are now either relinquished or abandoned to require any action to relicense said areas to be considered under the provisions of Idaho Outfitters and Guides Licensing Board Rule 28.c. The Board further advised Mr. Brown that he would need to modify his application to delete that area currently licensed to active outfitters and that upon receipt of his modified application for the remaining area, the Board would initiate the necessary research and action under the purview of Idaho Outfitters and Guides Licensing Board Rule 28.c. in processing his application.

The Board recessed at 1515 hours and reconvened on Tuesday, November 8, 1988 at 0900 hours with all Board members and the Board's attorney Steve Mendive present.

Telephone System: The Board reviewed the bid for purchase and installation of a new telephone system to make the Board compatible with the State's system, following which the Board directs that it accept said bid proposal and move for its immediate installation.

Litigative Matters: All Board members voted "Aye" that the Board go into Executive Session pursuant to the provisions of Idaho Code 67-2345. This session commenced at 0930 hours and adjourned at 1000 hours with no formal action being taken.

Sun Valley Wilderness Outfitters, Inc./R. J. Lewy, D.A.: Following a review of Sun Valley Wilderness Outfitters' file and the previous Board action of May 9, 1988 in which the Board determined to go to an independent hearings officer for consideration and resolution of the Sun Valley Wilderness Outfitters, Inc. matter, MSC (Crane--Miller) THAT THE BOARD RESCIND ITS PRIOR ACTION OF MAY 9, 1988 AND THAT THIS MATTER NOT BE ADDRESSED TO AN INDEPENDENT HEARINGS OFFICER BUT RATHER BE BROUGHT BEFORE THE BOARD FOR RESOLUTION.

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 8th

page 6

Sun Valley Wilderness Outfitters, Inc./R. J. Lewy, D.A.: Following a review of the Sun Valley Wilderness Outfitters, Inc. and R. J. Lewy, Managing Agent, files and discussion of correspondence contained therein, MSC (Vaughn--Crane) THAT THE BOARD'S ATTORNEY BE INSTRUCTED TO CONVEY THE BOARD'S DESIRE TO NEGOTIATE A SETTLEMENT OF THE SUN VALLEY WILDERNESS OUTFITTERS, INC./R. J. LEWY MATTER IN ACCORDANCE WITH THE FOLLOWING CRITERIA: (1) THAT SUN VALLEY WILDERNESS OUTFITTERS, INC.'S OUTFITTER LICENSE BE REVOKED; (2) THAT SAID REVOCATION BE SUSPENDED AND THE COMPANY PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS; (3) THAT THE STIPULATIONS OF SAID PROBATION ARE: (A) SUN VALLEY WILDERNESS OUTFITTERS, INC. SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL LAWS AND THE RULES AND REGULATIONS OF THE BOARD; (B) SUN VALLEY WILDERNESS OUTFITTERS, INC. SHALL MAKE AVAILABLE TO THE BOARD AT ITS DISCRETION ALL OF ITS BOOKS, RECORDS, AND CLIENTELE LIST INCLUSIVE OF NAMES, ADDRESSES, AND TELEPHONE NUMBERS; (C) SUN VALLEY WILDERNESS OUTFITTERS, INC. SHALL NOT BE ALLOWED ANY AMENDMENTS TO THEIR OUTFITTER LICENSE DURING THE PERIOD OF PROBATION; (4) ANY VIOLATION OF THE TERMS OF THIS PROBATION SHALL TRIGGER ACTION TO IMPOSE THE ORIGINAL REVOCATION OF SUN VALLEY WILDERNESS OUTFITTERS, INC.'S OUTFITTER LICENSE; (5) THAT SUN VALLEY WILDERNESS OUTFITTERS, INC. MAKE RESTITUTION TO THE BOARD FOR ALL ATTORNEY'S FEES INCURRED IN THE PROSECUTION OF THIS CASE; (6) THAT R. J. LEWY'S DESIGNATED AGENT'S LICENSE AND GUIDE'S LICENSE BE REVOKED WITH SAID REVOCATION BEING SUSPENDED; (7) THAT HE BE PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS. THE TERMS OF PROBATION SHALL INCLUDE R. J. LEWY'S NOT APPLYING FOR OR BEING ISSUED A LICENSE TO GUIDE FOR THE 1989-1990 LICENSE YEAR AND THAT HE NOT APPLY FOR OR BE ISSUED A DESIGNATED AGENT'S LICENSE FOR THE 1989-1990, 1990-1991, AND 1991-1992 LICENSE YEARS; (8) THAT MR. LEWY SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL LAWS AND RULES AND REGULATIONS OF THE BOARD; (9) THAT HE NOT BE ALLOWED ANY AMENDMENT TO HIS GUIDE LICENSE DURING THE PERIOD OF PROBATION; AND (10) ANY VIOLATION OF THE TERMS OF THIS PROBATION SHALL TRIGGER ACTION TO IMPOSE THE ORIGINAL REVOCATION OF MR. LEWY'S DESIGNATED AGENT'S AND GUIDE'S LICENSES.

South Fork/Snake River: Following a review of the enforcement efforts carried out over the past 1988 license year in which there is every indication that certain licensed outfitters on the South Fork-Snake River may be entering into third party agreements with individuals operating out of the state of Wyoming, the Board directs that: (1) letters be addressed to the suspected outfitters requesting that they attend the December Board meeting and bring with them their books covering the 1988 license year;

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 8th

page 7

and (2) that it instruct its Attorney and Enforcement Coordinator to arrange a meeting with the Bonneville County Prosecuting Attorney to explore possible legal action against those individuals in Wyoming for illegal outfitting activities on the South Fork/Snake River.

Jim Cheesebro: The Board reviewed the matter of Mr. Cheesebro's request for information regarding the Gerald Richie/Mike Richie/Jim Jensen matter, following which it is the Board's position that Mr. Cheesebro be advised that its records are open; however, the files on Messrs. Richie and Jensen are quite voluminous and not knowing exactly what he wishes and further that a charge of fifty (50) cents a page for the first twenty-five (25) pages and twenty-five (25) cents a page for every page thereafter would be charged for materials requested that it would seem advisable that he either come to Boise to review said files and identify that material he would like or otherwise specify, in some manner, those materials requested to enable the Board to accommodate his request.

David Powers: The Board reviewed Mr. Powers file to note that Mr. Powers did not submit a complete 1988-1989 outfitter license renewal application; namely no bond was included with said application. Following a discussion of the Board's oversight in this regard, the Board directs a letter be addressed to Mr. Powers advising him of the requirement that a bond must accompany his application as required by Idaho Code 36-2108(b) and request his immediate attention to this matter by submission of a bond to enable issue of his 1988-1989 outfitter license. Further, that his response is requested no later than November 30, 1988; otherwise, the Board will have no choice but to deem his application in non-compliance with Outfitters and Guides Board Rule 11.

The Board recessed for lunch at 1145 hours and reconvened at 1310 hours.

Kirk D. Bachman dba Sawtooth Mountain Guides/Sun Valley Trekking Company, Inc./Bob Jonas, D.A.: Mr. Bachman appeared before the Board to review and discuss his amendment requests to: (1) construct a hut (yurt) below Alpine Way Trail (Marshall Lake Area) Sawtooth National Recreation Area (SNRA) to enhance his current business in accommodation of backcountry skiers and Walker Center Drug Rehab program, and (2) conduct climbing and mountain programs in the Albion Division of the Sawtooth National Forest/City of Rocks area. Following the interview and discussion of the amendment request, it became apparent that:

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 8th

page 8

(1) the Marshall Lake area falls within the operation area boundaries currently licensed to Mr. Bachman and does not require an amendment to his outfitter license in approval of the proposed activity; (2) Sun Valley Trekking Company, Inc./Bob Jonas, Designated Agent, (SVTC) has expressed a similar interest for the same activity in the same area to the Forest Service (see Forest Service letter dated 10/3/88) but has not submitted an amendment request to the Board; (3) SVTC's request, if submitted, would require expanding their currently licensed operating area boundary to include the Marshall Lake area; and (4) Bachman's request for activity in the Albion Division of the Sawtooth National Forest/ City of Rocks area does not have land managing agency (Forest Service/Bureau of Land Management) signoff on the OG-2. MSC (Miller--Baird) THE BOARD FINDS THAT: (1) NO FORMAL ACTION IS REQUIRED TO APPROVE MR. BACHMAN'S REQUEST FOR CONSTRUCTION OF A YURT IN THE MARSHALL LAKE AREA AS SAID AREA IS WITHIN CURRENTLY LICENSED OPERATING AREA BOUNDARIES, AND SUGGEST THAT HE FURTHER NEGOTIATE HIS REQUEST WITH THE SNRA FOR AN APPROPRIATE SPECIAL USE PERMIT; (2) SVTC HAS MADE NO AMENDMENT REQUEST REGARDING THIS MATTER TO DATE, THUS THERE IS NO BOARD ACTION REQUIRED; (3) A LETTER BE ADDRESSED TO MESSRS. BACHMAN AND CARL PENCE (SNRA) ADVISING THEM OF THE BOARD'S ACTION IN THIS REGARD; AND (4) A LETTER BE ADDRESSED TO MR. BACHMAN ADVISING HIM THAT HIS REQUEST TO OPERATE IN THE ALBION DIVISION OF THE SAWTOOTH NATIONAL FOREST/CITY OF ROCKS IS INCOMPLETE AND NOT ACCEPTABLE TO THE BOARD IN ACCORDANCE WITH OUTFITTERS AND GUIDES LICENSING BOARD RULE 11.

Earl P. Basso, Jr.: The Board reviewed Mr. Basso's outfitter license application to note that, in addition to Mr. Basso's application not being complete, the area that he has requested for the conduct of elk, deer, moose, cougar, predators, and bird hunting and fishing activities is currently licensed to another active outfitter and, therefore, not available for licensing to another application, following which MSC (Vaughn--Baird) THAT MR. BASSO'S OUTFITTER LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(5) AND IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS, RULE 19.f.

Garden Valley Outfitters, Inc./Dan Rotthoff, D.A.: The Board reviewed the status of Mr. Rotthoff's challenge to the Board's denial of his guide license with its attorney following which it is the Board's position that no further action be taken in this matter at this time.

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 8th

page 9

Idaho Big Game, Inc./Jon Goodman, D.A.: The Board reviewed the Idaho Big Game file as regards (1) their request for hearing in the denial of their 1988-1989 outfitter license, and (2) the status of investigation/resolution of the 1987 complaint against the company with its attorney following which MSC (Vaughn--Crane) THAT THE BOARD: (1) ACCEPT THE REQUEST FOR AN SET A TIME FOR HEARING IN THE DENIAL OF IDAHO BIG GAME, INC.'S 1988-1989 OUTFITTER LICENSE; (2) ISSUE IDAHO BIG GAME, INC. A 1988-1989 OUTFITTER LICENSE IN ACCORDANCE WITH AND AUTHORITY OF THE STATE ADMINISTRATIVE PROCEDURES ACT; AND (3) CONTINUE ITS EFFORT TO RESOLVE THE COMPLAINT AGAINST IDAHO BIG GAME, INC. IN A TIMELY MANNER.

Idaho Guide Service, Inc./Jim Powell, D.A.: The Board reviewed Idaho Guide Service, Inc.'s request for approval of the proposed sale of business by and between Idaho Guide Service, Inc. and Dusty Youren. Following a discussion of this matter, the Board directs: (1) that a letter be addressed to Morris D. Huffman, District Ranger, Lowman Ranger District, Boise National Forest, in response to their letter of October 17, 1988 regarding this matter that it is the Board's position that the recovery of Idaho Guide Service, Inc. through default of an escrow account is legal under Idaho law and that Jim Powell's interest in the outfitting and guiding business known as Idaho Guide Service, Inc. is a valid claim. Further, in view of this fact, Mr. Powell's interest in this business and licensed area/permit is an existing business and does not fall within the purview of being a new opportunity; (2) that in accordance with the M.O.U., Amendment #1, the proposed sale and transfer of business between Idaho Guide Service, Inc. and Dusty Youren falls within the criteria as is outlined under Exhibit #3 and we are now at Step #6. Thus, the Board would request the Forest Service's consideration in issue of an applicable special use permit to Dusty Youren as purchaser of Idaho Guide Service, Inc., assuming there is a business to be sold; and, finally (3) the Board directs: (a) the a letter be addressed to John Ritchie, attorney for Idaho Guide Service, Inc. requesting the submission of a relinquishment statement of any further interest in the Idaho Guide Service, Inc. upon satisfactory completion of the sale and transfer of business to Dusty Youren; (b) submission of an Exhibit A listing those tangible assets involved in the proposed sale and transfer of business to Dusty Youren and further advising him that a representative of the Board will inspect and evaluate the tangible assets and make a report of his findings to the Board; and (c) advise Mr. Ritchie that these matters must be completed and received by the Board which thereafter will proceed to further consider the proposed sale and transfer of business in accordance with the M.O.U., Amendment #1, by and between the Board and Forest Service.

Idaho Guide Service, Inc./Jim Powell, D.A.: The Board reviewed Idaho Guide Service, Inc.'s request for issue of a license for the conduct of power boating activities on the lower Salmon River from Hammer Creek to Heller Bar and on to Lewiston [SAB]. The Board reviewed Mr. Ritchie's request and the Bureau of Land Management's correspondence regarding this matter to direct that a letter be addressed to Mr. Ritchie requesting that he provide a list of those tangible assets necessary to conduct a viable power boating activity on the lower Salmon River and that, at a mutually convenient time to both parties, a representative of the Board will inspect and evaluate the tangible assets with a report back to the Board following which the Board will take further action relative to the issue of an applicable license.

State-Owned Airports: The Board reviewed the Idaho Department of Transportation's memorandum concerning their proposed rule for the management of state-owned airports, following which the Board directs that a letter be addressed to the Idaho Department of Transportation in support of their proposed rules. [Administrative Note: Ron Vaughn will draft such a letter.]

The Board recessed at 1800 hours and reconvened on Wednesday, November 9, 1988, at 0830 hours with all members and the Board's attorney Steve Mendive present.

Mike Sohrakoff: The Board reviewed the matter of Mike Sohrakoff's hearing before the Board concerning the denial of his guide license which has been stipulated in settlement; therefore, this matter will not come before the Board.

Ed Hunt dba Sundog Outfitters: The Board reviewed Mr. Hunt's outfitter license amendment request to extend his operating area boundaries to include all of Fish and Game Management Unit 3 for the conduct of elk, deer, predator and bird hunting as well as fishing, trailrides, backpacking, and snowmobiling activities. Following a discussion of this matter and in review of input received from the Idaho Department of Fish and Game, MSC (Baird--Vaughn) THAT THE AMENDMENT REQUEST BE APPROVED AS SUBMITTED WITH THE FOLLOWING EXCEPTION: THAT FISHING BE LIMITED TO INCIDENTAL FISHING IN CONJUNCTION WITH BACKPACKING AND TRAILRIDES.

Gary Madsen: The Board reviewed Mr. Madsen's outfitter license amendment request to extend his operating boundary into Fish and Game Management Unit 37 for the conduct of elk, deer, sheep, antelope, bear, cougar, predator, and bird hunting as well as fishing activities. Following a review of this amendment request, the Board notes that no response has as yet been

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 9th

page 11

received from the Idaho Department of Fish and Game and further that the Board questions Mr. Madsen's ability to be able to hunt that area in an acceptable manner without involving national forest lands lying on the east face of the Lost River Range draining into the Pahsimeroi River system. With these matters in mind, the Board directs that a letter be addressed to Mr. Madsen advising him of these facts and requesting his response as to why he did not include the national forest lands in his amendment request and further that the Board cannot take action until appropriate response is received from the Idaho Department of Fish and Game.

Ron Beitelspacher: The Board reviewed Mr. Beitelspacher's amendment request for removal of the sixty (60) guest day limitation currently placed on his outfitter license. Following a review of Mr. Beitelspacher's file and a discussion of this matter, MSC (Miller--Crane) THAT THE BOARD APPROVE MR. BEITELSPACHER'S REQUEST TO REMOVE THE SIXTY (60) GUEST DAY LIMITATION AS CURRENTLY IMPOSED.

Garden Valley Outfitters, Inc./Dan Rotthoff, D.A.: The Board reviewed Mr. Rotthoff's September 19, 1988 letter to the Board regarding his operating area boundary in which he requests the Board to reverse its action in redefining his operating area boundaries. Following a review of Mr. Rotthoff's previously licensed operating area boundary, the Board directs that a letter be addressed to Mr. Rotthoff stating that: (1) the currently licensed operating area boundary does not differ greatly from that operating area to which he had been previously licensed, (2) the Board would ask Mr. Rotthoff to come before it so that this matter can be discussed and resolved; and (3) Mr. Rotthoff be advised that the area he has requested does, in fact, overlie operating areas licensed to other licensed outfitters.

Ted Epley: The Board reviewed Mr. Epley's outfitter license amendment request for the conduct of fishing, trailrides, and backpacking activities as associated with and along Forest Service Trails 081, 084, 117, 141, and 364. Following a review of the file noting that Mr. Epley has apparently now resolved the use of these trails and has secured permission from the U.S. Forest Service allowing said use, MSC (Vaughn--Crane) THAT MR. EPLEY'S AMENDMENT REQUEST BE APPROVED AS REQUESTED.

Canyons, Inc./Les Bechdel, D.A.: The Board reviewed Canyons, Inc.'s request to acquire Northwest River Company's float boating business on the Middle Fork of the Salmon River from Boundary Creek to Cache Bar [MF1 & MF2]. Following a review of the file

and finding that all paperwork except a release and payment of necessary amendment fees is in order as required for said transfer and sale of business, MSC (Miller--Vaughn) THAT THE BOARD APPROVE THE PROPOSED SALE AND TRANSFER OF BUSINESS FROM NORTHWEST RIVER COMPANY/DOUG TIMS, M.A. OF THE FLOAT BUSINESS ON THE MIDDLE FORK OF THE SALMON RIVER FROM BOUNDARY CREEK TO CACHE BAR [MF1 & MF2] TO CANYONS, INC./LES BECHDEL, M.A. WITH THE LICENSE ISSUED PENDING RECEIPT OF A RELEASE AND PAYMENT OF NECESSARY AMENDMENT FEES.

Northwest Dories, Inc.: The Board reviewed the Northwest Dories, Inc. file noting that all paperwork necessary to the proposed sale and transfer of business from Grand Canyon Dories/Martin Litton, M.A. to Northwest Dories, Inc./Curtis Chang, M.A. is not complete. Thus, no action will be taken on this matter until such time as all such paperwork is received inclusive of a release from Martin Litton upon the successful completion of the sales contract and appropriate land managers' signatures.

Quaker Hill Conference, Inc. dba Backcountry and Beyond/Mike Crevelt, D.A.: Following the hearing before the Board regarding the Board's denial of Quaker Hill Conference, Inc.'s amendment request for the conduct of technical mountaineering/rock climbing activities, it is the Board's position, and they so advised the parties involved, that: (1) it would hold this matter for future consideration pending Quaker Hill Conference, Inc.'s submission to the Board of a modified outfitter amendment request prescribing the limitations by which they would propose to conduct said activity, and (2) upon receipt of said information, the Board would review same and make a decision on further action relative to the denial of their current amendment request.

Douglas H. Leaton: Following a hearing before the Board relative to the Board's denial of Mr. Leaton's guide license for the 1988-1989 season and in consideration of the testimony offered before the Board by Mr. Leaton, MSC (Baird--Vaughn) THAT THE BOARD RESCIND ITS DENIAL OF MR. LEATON'S 1988-1989 GUIDE LICENSE AND THAT SAID LICENSE BE ISSUED PROBATIONARY. The Findings of Fact in this matter are that in accordance with Mr. Leaton's testimony offered before the Board, he did admit to having committed the violation of Fish and Game law, that he did not believe that he was convicted of a violation of Fish and Game law by having plead guilty to said charge and thus he had answered "no" on the guide license application, and that there was mitigating circumstances surrounding his having been cited in the first place with the Conclusions of Law being: (1) that Mr. Leaton did violate Idaho Fish and Game law; (2) that he did

answer in error on his guide license application; (3) due to the testimony offered in explanation by Mr. Leaton for the circumstances surrounding the violation of law, the Board rescind its prior decision and issue Mr. Leaton's 1988-1989 guide license on a probationary basis.

Philip "Bub" Smith: Following the revocation hearing before the Board regarding Mr. Smith's 1988-1989 outfitter license and in consideration of the testimony presented to the Board surrounding the circumstances for the falsified American Red Cross card, that the Findings of Fact in this matter are: (1) that Mr. Smith's card submitted to the Board in conjunction with the issue of his 1988-1989 outfitter license was falsified; (2) that Mr. Smith freely admits to the fact that the card was falsified; (3) that Mr. Smith has now taken the appropriate American Red Cross Multimedia course and did present a valid card to the Board, it was the Board's Conclusions of Law that: (1) Mr. Smith did submit a falsified card to the Board for issue of his 1988-1989 outfitter license; (2) that Mr. Smith freely admitted to having done so and assumed full responsibility for the act; and (3) that in view of Mr. Smith's action in falsification of his American Red Cross card, MSC (Crane--Baird) THE BOARD REVOKE HIS 1988-1989 OUTFITTER/GUIDE LICENSE; SUSPEND REVOCATION OF SAID LICENSE; AND PLACE MR. SMITH ON PROBATION FOR THE BALANCE OF THE CURRENT LICENSE YEAR WITH THE TERMS OF SAID PROBATION BEING THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS AND NOT BE ALLOWED ANY AMENDMENT TO HIS LICENSE. FURTHER, THAT UPON MR. SMITH'S APPLICATION FOR A 1989-1990 OUTFITTER/GUIDE LICENSE, THAT SAID LICENSE BE ISSUED ON A PROBATIONARY BASIS WITH AGAIN THE TERMS OF SAID PROBATION BEING THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAW AND THAT NO AMENDMENT TO SAID LICENSE BE ALLOWED DURING THE TERM OF THE PROBATIONARY PERIOD.

The Board recessed for lunch at 1230 hours and reconvened at 1330 hours.

R & R Outdoors, Inc./Robert Black, D.A.: The Board reviewed Mr. Black's outfitter license amendment request for the conduct of power boating (hover craft) on the lower Salmon River from Hammer Creek to Heller Bar and on to Lewiston [SAB]. The Board in review of Mr. Black's file finds that R & R Outdoors, Inc. is licensed for float boating activity only on SAB and his application does not have the signature of the land managing agency(ies) involved, and that the Board finds that hover craft per se falls outside the current licenseable activities, following which MSC (Vaughn--Miller) THAT THE BOARD DENY R & R OUTDOORS, INC.'S AMENDMENT REQUEST. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH IDAHO CODE 36-2109(a), 36-2119, AND IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS, RULE 5.e.

Keith Rush dba Lakeview Guest Ranch and Outfitter/Guide School: The Board reviewed Mr. Rush's outfitter license amendment request for the conduct of backpacking, snowmobiling, backcountry alpine and cross-country skiing activities in Fish and Game Management Unit 61. Following a review of the file and correspondence contained therein, the Board notes there is no sign-off by a land managing agency relative to this amendment request and further that the Idaho Department of Fish and Game, by letter dated October 28, 1988, recommends denial of said request due to the heavy public use of the area requested. Following a discussion of these matters, MSC (Baird--Vaughn) THAT THE BOARD DENY MR. RUSH'S OUTFITTER LICENSE AMENDMENT REQUEST. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(4&5), 36-2119, AND IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS, RULE 19. f. & g. AND IN ACCORDANCE WITH THE RECOMMENDATIONS MADE BY THE IDAHO DEPARTMENT OF FISH AND GAME BY LETTER DATED OCTOBER 28, 1988.

Busterback Ranch/Jim Root, D.A.: The Board reviewed Mr. L. P. Enright's October 10, 1988 letter to the Board in which he outlines his objections to the Board's denial of his amendment request for the addition of horseback rides into the Horton Peak area to request a hearing before the Board to review the denial and, further, that any future communications regarding the operation of the Busterback Ranch be addressed to him rather than to his Designated Agent, Jim Root. Following a review of this matter and discussion with Board's attorney, MSC Miller--Crane) THAT A LETTER BE ADDRESSED TO L. P. ENRIGHT ADVISING HIM THAT: (1) HIS REQUEST FOR A HEARING FALLS OUTSIDE THE STATUTORY LIMITATIONS ESTABLISHED BY IDAHO LAW FOR PERMISSION IN A HEARING BEFORE THE BOARD IN ACCORDANCE WITH IDAHO CODE 36-2113(b); AND (2) HE NEEDS TO CLARIFY HIS INTENTION AS TO WHO THAT PERSON OR PERSONS ARE THE BOARD SHOULD DIRECT CORRESPONDENCE TO REGARDING OPERATION OF THE BUSTERBACK RANCH OUTFITTING BUSINESS IN ACCORDANCE WITH IDAHO CODE 36-2109(c).

James M. Hodges: The Board reviewed Mr. Hodges' file noting the issue of a probationary guide license to Mr. Hodges following a request from his employing outfitter that the Board give due consideration to the nature of Mr. Hodges' citation for violation of a Forest Service road closure. Thus the Chairman, under purview of Board policy regarding emergency requests, contacted respective Board members to ascertain their position in this regard with the decision made that Mr. Hodges be issued a probationary guide license for the 1988-1989 season.

Wayne Stotts: The Board reviewed Mr. Stotts' 1988-1989 guide license application, noting that the staff in processing of Mr. Stotts' application found questionable validity of his Red Cross card. This, in turn, has been checked out by the Enforcement Coordinator who finds that the Red Cross card indeed has been falsified and in discussion of this matter, MSC (Baird--Miller) THAT THE BOARD DENY MR. STOTTS' 1988-1989 GUIDE LICENSE APPLICATION. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH IDAHO CODE 36-2109(c), 36-2113(a)(i).

Ike Willard E. Bohne: Following the show cause hearing before the Board for the revocation of Mr. Bohne's 1988-1989 guide license for falsification of his American Red Cross card and in consideration of the testimony offered before the Board by Mr. Horst W. Koeppen of the American Red Cross that, indeed, Mr. Bohne's Red Cross card is false and that, insofar as their records show, he never did take an American Red Cross course, MSC (Miller--Vaughn) THAT THE FINDINGS OF FACT IN THIS REGARD ARE: (1) MR. BOHNE DID SUBMIT A FALSIFIED AMERICAN RED CROSS CARD; (2) MR. KOEPPEN DID TESTIFY THAT MR. BOHNE'S AMERICAN RED CROSS CARD IS INVALID; (3) FURTHER, THAT THE AMERICAN RED CROSS RECORDS DO NOT SHOW THAT MR. BOHNE HAS TAKEN AN APPROPRIATE AMERICAN RED CROSS COURSE; AND (4) MR. BOHNE FAILED TO APPEAR AND OFFER TESTIMONY IN HIS BEHALF ON THIS MATTER. THUS, THE CONCLUSIONS OF LAW ARE AS FOLLOWS: (1) MR. BOHNE'S AMERICAN RED CROSS CARD IS INVALID; (2) THAT MR. BOHNE DID, IN FACT, SUBMIT A FALSIFIED RECORD IN VIOLATION OF IDAHO CODE 36-2113(a)(1); AND (3) THE BOARD, THEREFORE, REVOKES MR. BOHNE'S 1988-1989 GUIDE LICENSE AND SO NOTIFIES HIS EMPLOYING OUTFITTER, BOULDER CREEK OUTFITTERS, INC./TIM CRAIG, MANAGING AGENT, OF THE BOARD'S ACTION IN THIS REGARD.

Alex Chris Erca: The Board reviewed Mr. Erca's 1988-1989 guide license application noting that he had received a citation for violation of Idaho Fish and Game law. Following a discussion of this matter, MSC (Miller--Baird) THAT MR. ERCA'S LICENSE BE ISSUED ON A PROBATIONARY BASIS WITH THE TERMS OF SAID PROBATION BEING THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAW AND THAT NO AMENDMENT TO HIS LICENSE WILL BE ALLOWED FOR THE BALANCE OF THE LICENSE YEAR.

Bradley L. Ford: The Board reviewed Mr. Ford's 1988-189 guide license application noting that he had received a citation for violation of Fish and Game law. Following a discussion of this matter, MSC (Miller--Crane) THAT MR. FORD'S 1988-1989 GUIDE LICENSE BE ISSUED PROBATIONARY WITH THE TERMS OF PROBATION BEING THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAW AND THAT NO AMENDMENT TO HIS LICENSE WILL BE ISSUED.

Lyle A. Foster: The Board reviewed Mr. Foster's file and guide license application for the 1988-1989 season noting his citation for violation of Fish and Game law and answering no on his guide license application, Section C, regarding the violation of any Idaho or other state or federal fish and game laws. Following a discussion of this matter, MSC (Vaughn--Miller) THAT MR. FOSTER'S GUIDE LICENSE BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH IDAHO CODE 36-2109(c) AND 36-2113(a)(1&6).

Brent Galbraith: The Board reviewed Mr. Galbraith's 1988-1989 guide license application and noted his citation for violation of Idaho Fish and Game law and an apparent pattern for continued violation of Fish and Game laws, following which MSC (Baird--Vaughn) THAT MR. GALBRAITH'S 1988-1989 GUIDE LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH IDAHO CODE 36-2109(c) AND 36-2113(a)(1&6).

Dennis Fischer: Following a show cause hearing before the Board for revocation of Mr. Fischer's 1988-1989 guide license and in consideration of testimony offered by Mr. Bill Kibble of the American Red Cross regarding the validity of Mr. Fischer's submitted card to the Board and the various exhibits admitted into evidence regarding this matter, MSC (Crane--Baird) THAT THE FINDINGS OF FACT IN THIS MATTER ARE AS FOLLOWS: (1) IN ACCORDANCE TO MR. KIBBLE'S TESTIMONY BEFORE THE BOARD, MR. FISCHER DID NOT TAKE AN AMERICAN RED CROSS COURSE AS INDICATED ON THE RED CROSS CARD SUBMITTED TO THE BOARD IN CONJUNCTION WITH HIS 1988-1989 GUIDE LICENSE APPLICATION; (2) MR. FISCHER, THEREFORE, SUBMITTED AN INVALID AMERICAN RED CROSS CARD TO THE BOARD; (3) STATE EXHIBITS #1, #2, AND #3 ATTEST THE FOREGOING FACTS, [NAMELY ITEMS (1) AND (2)]; AND (4) MR. DENNIS FISCHER DID NOT APPEAR BEFORE THE BOARD TO OFFER TESTIMONY IN HIS BEHALF REGARDING THIS MATTER. THUS, IT IS THE CONCLUSIONS OF THE LAW THAT: (1) MR. FISCHER DID, IN FACT, SUBMIT AN INVALID, FRAUDULENT RED CROSS CARD IN VIOLATION OF IDAHO CODE 36-2113(a)(1); (2) THAT IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT THE BOARD REVOKE MR. FISCHER'S 1988-1989 GUIDE LICENSE AND SO NOTIFY HIS EMPLOYING OUTFITTER, ROBERT J. GILLIHAN DBA GILLIHAN'S GUIDE SERVICE OF THE BOARD'S ACTION IN THIS REGARD.

David E. Griffin: The Board reviewed Mr. Griffin's 1988-1989 guide license application in which it noted his citation for violation of Fish and Game law for shooting of ducks after shooting hours back in November of 1978. Following a discussion and in consideration of this matter, MSC (Vaughn--Baird) THAT MR. GRIFFIN'S LICENSE BE ISSUED WITHOUT RESTRICTION.

William Russell King: The Board reviewed Mr. King's 1988-1989 guide license application noting that he had previously been denied a guide license in 1987 for having falsified the submission of his application to the Board with the further stipulation by the Board that if he submitted a truthful application in 1988, it would consider issuing an appropriate license if there is no other violations incurred meanwhile. Following a discussion of this matter and in consideration of the record, MSC (Miller--Baird) THAT MR. KING BE ISSUED A 1988-1989 GUIDE LICENSE PROBATIONARY WITH THE CUSTOMARY CONDITIONS OF PROBATION BEING NO VIOLATION OF LOCAL, STATE, OR FEDERAL LAW NOR AMENDMENT TO HIS LICENSE BE ALLOWED DURING THE COURSE OF THE LICENSE YEAR.

Floyd O'Neal Elisha Pollard: The Board reviewed Mr. Pollard's 1988-1989 guide license application noting various citations for Fish and Game violations in 1984 and further noting that said violations were conducted with the notation by the Fish and Game Officer that Mr. Pollard at the time was a juvenile and did not know or was unacquainted with the Fish and Game regulations. Following a discussion and in consideration of this matter, MSC (Miller--Vaughn) THAT MR. POLLARD'S 1988-1989 GUIDE LICENSE BE ISSUED PROBATIONARY. CONDITIONS OF SAID PROBATIONARY LICENSE BE THAT NO VIOLATIONS OF LOCAL, STATE, OR FEDERAL LAW WITH NO AMENDMENT TO HIS GUIDE LICENSE FOR THE CURRENT LICENSE YEAR.

Robert W. Magness: The Board reviewed Mr. Magness' 1988-1989 guide license application to note his citation for violation of Fish and Game law. Following a check with the Idaho Department of Fish and Game for further clarification of the nature of this violation and also noting his admission of his violation, MSC (Miller--Crane) THAT MR. MAGNESS BE ISSUED A PROBATIONARY LICENSE WITH THE CUSTOMARY PROBATION BEING NO VIOLATION OF LOCAL, STATE, OR FEDERAL LAW AND NO AMENDMENT TO HIS LICENSE DURING THE CURRENT LICENSE YEAR.

Robert Quinn: The Board reviewed Mr. Quinn's 1988-1989 guide license application noting his citation for violation of Fish and Game law. Following a review of this matter and in consideration of the nature of the citation, MSC (Vaughn--Baird) THAT MR. QUINN'S LICENSE BE ISSUED WITHOUT RESTRICTION.

Christopher L. Sutton: The Board reviewed Mr. Sutton's 1988-1989 guide license application noting his citation for violation of Fish and Game law and further noting that his application is for the conduct of activities for which his employing outfitter is

not licensed. Further, there is no first aid card submitted in conjunction with the license application. It is the Board's position that no further action be taken on this application until said application is completed to the Board's satisfaction.

Michael A. O'Connell: The Board reviewed Mr. O'Connell's 1988-1989 guide license application noting his citation for violation of Fish and Game law and further, in checking with the court as to the disposition of this case was informed that the court docket is such that disposition of the matter has not been as yet resolved, following which MSC (Vaughn--Crane; Meiners votes "No") THAT MR. O'CONNELL'S 1988-1989 GUIDE LICENSE APPLICATION BE APPROVED.

The Board recessed for the evening at 1700 hours and reconvened on Thursday, November 10, 1988 at 0830 hours with all members and the Board's attorney Steve Mendive present.

Stanley Jensen/John Waite: The Board reviewed Mr. Jensen's inquiry and resume relative to possible employment with the Board as an Enforcement Agent/Investigator. And in consideration of Mr. Waite's stated intention of resigning his position as Investigator in the not too distant future, MSC (Miller--Crane) THAT: (1) THE BOARD INSTRUCT ITS ENFORCEMENT COORDINATOR TO EMPLOY MR. JENSEN IF HE IS AVAILABLE; AND (2) TO ACCEPT MR. WAITE'S RESIGNATION WHEN TENDERED.

1988 Idaho Big Game Regulations: The Board reviewed the memorandum to Dale Baird from Board's attorney Steve Mendive concerning material contained on page 3 of the 1988 Idaho Big Game Regulations. Following a discussion, the Board requested Dale Baird to look into this matter and take appropriate action to resolve it if possible.

Rule 48-Deletion Thereof: Dale Baird reported to the Board relative to its request for him to contact the Idaho Fish and Game Commission regarding this matter, that this is still an ongoing situation with further discussion/decision made following a meeting he has scheduled with the Commission in December.

David Transue: The Board reviewed Mr. Transue's 1988-1989 guide license application noting a statement in Section C of his guide license application in which he answers in the affirmative as to conviction of a felony. Research into this matter was made by checking with appropriate authorities, following which MSC (Baird--Crane) THAT MR. TRANSUE'S 1988-1989 GUIDE LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH IDAHO CODE 36-2109(c) AND 36-2113(a)(3).

Greg Burke: Following a denial hearing requested by Mr. Burke for reconsideration of the Board's denial of his 1988-1989 guide license, MSC (Baird--Vaughn) THAT THE FINDINGS OF FACT IN THIS MATTER ARE AS FOLLOWS: (1) THE OFFICIAL RECORD SHOWS THAT MR. BURKE HAS BEEN CONVICTED OF A FISH AND GAME VIOLATION; (2) THAT MR. BURKE NOTED ON HIS APPLICATION THAT HE DID NOT HAVE A FISH AND GAME CONVICTION WHICH IS FALSE; (3) THAT THE BOARD IN PREVIOUS ACTION HAS DENIED ISSUING THIS LICENSE; AND (4) THAT MR. BURKE HAS NOT PRESENTED ANY EVIDENCE TO THE CONTRARY REGARDING THESE FINDINGS. THE CONCLUSIONS OF LAW ARE THAT MR. BURKE DID, IN FACT, VIOLATE SECTIONS 36-2109(c) AND 36-2113(a)(1&6) BY SUBMITTING A FALSIFIED APPLICATION AND BY VIOLATING FISH AND GAME LAW. THEREFORE, THE DENIAL OF MR. BURKE'S LICENSE IS HEREBY AFFIRMED.

Salmon River Emergency Clinic: The Board reviewed the material submitted by Marie Osborn of the Salmon River Emergency Clinic in response to Board attorney Steve Mendive's request regarding her credentials in offering appropriate Red Cross courses to meet the American Red Cross Multimedia course requirements as required by the Board for issue of an appropriate guide license. Following a review of the material submitted by Ms. Osborn, MSC (Miller--Baird) THAT THE BOARD ACCEPT THE COURSE OFFERED BY MARIE OSBORN OF THE SALMON RIVER EMERGENCY CLINIC AS MEETING THE REQUIREMENTS OF AN AMERICAN RED CROSS MULTIMEDIA COURSE PROVIDING THAT: (1) MS. OSBORN KEEPS THE BOARD INFORMED OF HER CONTINUING CERTIFICATION AS AN EMT INSTRUCTOR; (2) SHE PROVIDE A MINIMUM 8-HOUR COURSE INSTRUCTION TO APPLICANTS IN CERTIFYING THAT SAID APPLICANTS HAVE HAD ADEQUATE FIRST AID INSTRUCTION; (3) THAT ANY APPLICANT GRANTED CERTIFIED BY MS. OSBORN IN MEETING ARC COURSE REQUIREMENTS IS VALID ONLY FOR A THREE (3) YEAR PERIOD AS IS THE CASE BY THE AMERICAN RED CROSS MULTIMEDIA CARD; AND (4) THAT THE BOARD ADDRESS A LETTER TO MS. OSBORN ADVISING HER OF THE BOARD'S ACTION IN THIS REGARD.

Vern Bressler Outfitter, Inc./Joe Bressler, D.A.: Following the interview before the Board by Mr. Bressler concerning his outfitter license amendment request for conversion of his power boating activity on the Snake River-South Fork [SS1] to float boating activity, MSC (Baird--Crane) THAT THE BOARD DENY MR. BRESSLER'S AMENDMENT REQUEST DUE TO THE FACT THAT IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS, RULE 57, PLACES A LIMIT ON THE NUMBER OF POWER AND FLOAT BOATING ACTIVITIES ALLOWABLE AND WE ARE AT THAT LIMIT; THUS, THERE IS NO PLACE FOR MR. BRESSLER TO BE ACCOMMODATED. AUTHORITY FOR THE BOARD'S ACTION IN THIS REGARD IS IN ACCORDANCE WITH IDAHO CODE 36-2109(c) AND 36-2119, RULE 57: SNAKE RIVER-SOUTH FORK [SS1].

Sun Valley Helicopter Ski Guides/Mark Baumgardner, D.A.: Messrs. Mark Baumgardner and Rick Barker met with the Board to discuss the proposed outfitter license amendment request to expand their helicopter skiing activities in the Sun Valley/Upper Sawtooth Valley area, the Sawtooth National Recreation Area, and adjacent national forest. Following their rather complete portrayal of the proposed actions in regard to this matter, it was the Board's position and advice to them that the Board does need to receive a completed amendment request signed off by the Forest Service as to their recommendation regarding their request as well as response from the Idaho Department of Fish and Game regarding their request, and that upon receipt of same that, if received in time, the Board would be in a position that it could take action on their request at its December Board meeting.

The Board recessed at 1215 hours and reconvened at 1320 hours.

Stanford H. Watt dba Whitewater West River Adventures: Mr. Watt appeared in an interview before the Board regarding his proposed purchase of the Jim Temple dba Ways West River/Trail Adventures outfitting business for power boating and float boating activities on the Salmon River-Corn Creek to Vinegar Creek [SA6]. Following the interview and in consideration of the folder in this regard, MSC (Miller--Vaughn) THAT THE BOARD APPROVE THE PROPOSED SALE AND TRANSFER OF BUSINESS FROM MR. TEMPLE TO MR. WATT WITH LICENSE ISSUED PENDING THE RECEIPT OF NECESSARY PAPERWORK, NAMELY: (1) A BOND, (2) A VALID FIRST AID CARD, (3) A RELEASE FROM MR. TEMPLE THAT UPON COMPLETION OF THE SALES CONTRACT HE WOULD HAVE NO FURTHER INTEREST IN THE BUSINESS, (4) THAT THE BOARD WILL ACCEPT MR. WATT'S LOG OF POWER BOAT EXPERIENCE QUALIFIED TO GUIDE, AND (5) HAVE IN HIS EMPLOYMENT A SIGNED AGREEMENT FROM AN INDIVIDUAL QUALIFIED TO GUIDE FLOAT BOATING ACTIVITIES ON SA6.

Dick Gardner: Mr. Gardner met with the Board concerning the Farm and Ranch Recreational Tourism Conference recently held at Sun Valley. Confusion apparently arose concerning the necessity of individuals proposing to conduct hunting or other outdoor recreational activities on privately owned lands being licensed under the purview of the Outfitters and Guides Act. Mr. Gardner's purpose was to inform the Board of the proceedings of the conference and to ask/enable coordination of Board actions should such activities develop as an outgrowth of the conference.

Middle Fork River Company #1/Steve Lentz, D.A.: Messrs. Steve Lentz and Les Bechdel met with the Board regarding the possibility of opening the South Fork Salmon River to float boating activities and going to rulesmaking to accomplish same. Following the interview and discussion concerning this matter, it was found that additional research data and information was necessary to complete a formal application with the Board to go to rulesmaking in this regard. Also, it was found that Messrs. Lentz, Bechdel, and Grant Simonds had been in contact with the Payette National Forest regarding this matter. In view of the discussion, Messrs. Lentz and Bechdel withdrew their proposed petition and will re-submit same at a later date when additional information becomes available.

The Board recessed for the evening at 1700 hours and reconvened on Friday, November 11, 1988 at 0830 hours with all Board members present except Ron Vaughn. The Board's attorney Steve Mendive was also present.

Randy Hess dba White Otter Outdoor Adventures: The Board reviewed the November 7, 1988 letter from White Otter Outdoor Adventures requesting an exception to Rule 53.b., that the Board reconsider its position relative to White Otter Outdoor Adventures/Randy Hess as being qualified as a float boatman on the Hagerman Section of the Snake River [SN3], and lastly that under Rule 32.a. that the Board approve his having met the Board's requirements for first aid certification. Following a review of this matter and discussion of same, MSC (Miller--Crane) THAT: (1) WHITE OTTER OUTDOOR ADVENTURES BE GRANTED A CONTINUED EXCEPTION TO RULE 53.b. FOR THE CONDUCT OF FLOAT BOATING ACTIVITY ON A ONE-TO-SIX GUIDE TO CLIENT RATIO FOR INFLATABLE KAYAKS ON THE UPPER SALMON RIVER FROM STANLEY TO ROUGH CREEK; (2) THAT THE BOARD ACCEPT RANDY HESS' EXPERIENCE CRITERIA SUBMITTED TO THE BOARD AND APPROVE HIM AS A FLOAT BOATMAN ON SN3 AND ISSUE A LICENSE TO WHITE OTTER OUTDOOR ADVENTURES FOR CONDUCT OF THIS ACTIVITY ON SN3; AND (3) THAT THE BOARD ACCEPT MR. HESS AS HAVING MET THE BOARD'S REQUIREMENTS FOR FIRST AID CREDENTIALS IN HAVING TAKEN THE WINTER EMERGENCY CARE COURSE.

Board Policies: The Board reviewed Board policies to update same but did not conclude said session and will continue same with the intended purpose to finalize during the December meeting.

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD
MINUTES - November 7-11, 1988
proceedings of the 11th

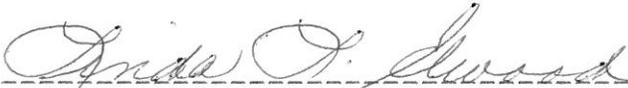
page 22

There being no further business, the Board adjourned at 1230 hours.



WILLIAM R. MEINERS, CHAIRMAN OF THE BOARD

ATTEST:



LINDA L. ELWOOD, ADMINISTRATIVE SECRETARY