

MINUTES

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

Boardroom - Boise, Idaho
December 2, 8 & 9, 1988

A regular meeting of the Idaho Outfitters and Guides Licensing Board convened at 0830 hours on Friday, December 2, 1988 with all Board members and the Board's Attorney Steve Mendive present.

Board Minutes: The Board reviewed the November 7-11, 1988 Minutes following which MSC (Crane--Miller) THAT SAID MINUTES BE APPROVED AS CORRECTED.

Litigative Matters: MSC (Baird--Vaughn) THAT THE BOARD GO INTO EXECUTIVE SESSION IN ACCORDANCE WITH IDAHO CODE 67-2345 TO DISCUSS PENDING LITIGATION WITH ITS LEGAL COUNSEL. The Board went into Executive Session at 0910 hours and came out of the session at 0940 hours with no decisions made.

Stephen D. Haims: The Board reviewed Mr. Haims' November 30, 1988 letter in which he has outlined Galena Lodge's cross-country ski resort activities on the Sawtooth National Recreation Area under a Forest Service 20-year special use permit. Following a discussion of this matter, it is the Board's position that a letter be addressed to Mr. Haims stating that in accordance with his November 30, 1988 letter, such activities appear to be conducted on an unguided basis and, therefore, fall outside the purview of the Outfitters and Guides Act. However, as noted in his letter where he has indicated his intention to expand his activities to include guided day trips next season, that at that point in time he would be required to obtain an Idaho Outfitter license. A copy of this letter should be sent to the Sawtooth National Recreation Area to the attention of Ken Britton.

Northwest Dorries, Inc./Curtis Chang, D.A.: The Board reviewed Northwest Dorries, Inc.'s file noting that all necessary paperwork has now been completed to enable the Board's taking action on the proposed sale and transfer of Great River Journeys/Martin Litton, Owner, to Northwest Dorries, Inc./Curtis Chang, D.A. following which MSC (Miller--Crane) THAT SAID PROPOSED SALE AND TRANSFER OF BUSINESS BE APPROVED WITH THE LICENSE ISSUED IN THE NAME OF NORTHWEST DORIES, INC. AS OUTFITTER AND CURTIS CHANG AS THE DESIGNATED AGENT QUALIFIED TO GUIDE ALL ACTIVITIES.

The Board recessed for lunch in conjunction with the Idaho Fish and Game Commission and representatives of the Idaho Department of Fish and Game concerning and in discussion of matters of mutual concern to both agencies at 1145 hours and reconvened at 1430 hours.

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Bighorn Outfitters/Curt Thompson, D.A.: Following a meeting with the Board in which Mr. Thompson expressed his concern and dissatisfaction with the Board's policy as regards issue of special hunting privileges for the conduct of bighorn sheep hunting in other licensed outfitters' operating areas and the abuse of this privilege which was granted this last year and also in view of the other complaints that the Board has received regarding this same matter over the past couple of years, MSC (Miller--Baird) THAT THE BOARD RE-EXAMINE ITS POLICY WITH THE IDEA OF RESCINDING SAID POLICY. HOWEVER, PRIOR TO DOING SO THAT IT DISCUSS THIS MATTER WITH THE OUTFITTERS ASSEMBLED AT THE UPCOMING IOGA MEETING SCHEDULED FOR DECEMBER 5, 6 & 7 WITH A FINAL DECISION MADE FOLLOWING SAID MEETING.

U.S. West Communications: Bob Wells and Judy Goff met with the Board to introduce the Board to the operations of its new communications system which went into effect today. The Board enters into the state communications system with its new telephone numbers being 327-7380, 327-7381 & 327-7382. Further, that inasmuch as the old telephone number 376-5680 will not appear in the new telephone directory generally nor in the new state telephone direction for approximately 2-months, that the automatic intercept shall be put into place for a period of 2-months. Following a period of time after that there will be an operator-intercept for an indeterminate period for this to carry forward until finally terminated.

The Board recessed at 1630 hours and reconvened on Thursday, December 8, 1988 at 0830 hours with all Board members and Board Counsel Steve Mendive present.

Bob Stewart dba Rock'n H Packers: Mr. Stewart together with Buck Varner of the U.S. Forest Service North Fork District on the Bitterroot Forest met with the Board concerning alleged illegal outfitting activities at Indian Creek together with alleged non-use of an area within that area licensed to Gerald Richie for conduct of outfitting activities in the Indian Creek drainage. Following the interview and discussion of this matter with Messrs. Stewart and Varner, the Board: (1) requested the Forest Service to provide the Board additional information as to their observations/records of Gerald Richie's use/nonuse of his operating area within the Indian Creek drainage; (2) directs a letter be addressed to Mr. Richie requesting that he contact the Forest Service relative to his alleged use/nonuse of the Indian Creek drainage; and (3) that said letter request he submit a plan of operation both to the Board and the Forest Service outlining his future use of his operating area inclusive of Indian Creek. Copies of this letter should go to Buck Varner of the Forest Service and Bob Stewart.

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U.S. Coast Guard: The Board met with representatives of the U.S. Coast Guard, namely Lt. C. D. "Chuck" Kakuska, Bill Randall, and Commander Anthony Regalbuto along with Jeff Hoedt of the State Parks and Recreation Department. It is to be noted that an Idaho Public Utilities Commission representative was invited to attend but did not attend this meeting. Following the meeting with these gentlemen and discussion of the applicable rules and regulations for boating activities on those Idaho waters under Coast Guard jurisdiction administered out of the Portland office of the Coast Guard, the Board directs that a letter be addressed to Capt. James Calhoun, Officer in Charge, Marine Inspections (OCMI), U. S. Coast Guard, to: (1) outline the Board's concern/regard to duplication of effort by and between the Board and U.S. Coast Guard in licensing/regulation of power and float boating activities on Idaho waters under Coast Guard jurisdiction; (2) identify those Board Rules and Regulations that address such activities on such waters as well as other Idaho waters; and (3) request an exemption from Coast Guard regulations in this matter with approval/acceptance of Idaho law, rule, and regulation as appropriate to achieve public health, safety, and welfare in conduct of said activities on said waters. This letter should put in detail those things we would ask Capt. Calhoun to take into consideration in granting such an exception. Further, Hank will prepare this letter.

U.S. Coast Guard Regulations: Following a discussion of this matter with representatives of the Coast Guard and the State Department of Park and Recreation, MSF (Miller--Vaughn) THAT THE LICENSING BOARD DELAY ITS REQUIREMENT FOR POWER BOATERS HAVING COAST GUARD LICENSES UNTIL MARCH 31, 1990 PENDING FURTHER INVESTIGATION BY THE LICENSING BOARD AND THE COAST GUARD AS TO WHAT RULES AND REGULATIONS WILL BE REQUIRED BY THEM.

Scott Minter: Following the interview before the Board with Mr. Minter and Dave Stucker concerning the proposed sale and transfer of Dave Stucker's bear and cougar hunting business in Fish and Game Management Units 23, 24, 32A, and 33, it was the Board's position that no further action would be taken on this matter until the necessary paperwork is completed, namely an updated sales contract, relinquishment of business upon satisfactory completion of the sales contract, land management agency concurrence, and passage of the outfitter's test. Further, if these materials are received in a timely manner, the Board would take further consideration of the proposed sale and transfer of business at its January meeting.

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Omnisports dba The Snug Co./James Vermillion, D.A.: Mr. Vermillion and Brian Brockette appeared before the Board relative to their outfitter license amendment request for the conduct of upland game hunting as well as steelhead fishing on the Salmon River, reaches SA1 and SA2. Following the interview before the Board concerning these matters, it is the Board's understanding that: (1) Omnisports will withdraw its application at this point in time for conduct of upland game hunting other than for their request for conduct of such activity as related to the Cedar Canyon Preserve and their blue grouse hunting activity; (2) Omnisports will reduce to writing their ideas concerning upland game and waterfowl hunting to the Board for its consideration in formulating necessary guidelines for the conduct of this activity and they will further assist the Board in finalizing such guidelines; and (3) the Board will pursue and complete its research of their request for steelhead fishing on SA1 and SA2. Following this discussion and understanding, MSC (Miller--Vaughn) THAT THE BOARD DIRECTS: (1) A LETTER BE DIRECTED TO THE IDAHO DEPARTMENT OF FISH AND GAME SEEKING THEIR RESPONSE AND RECOMMENDATION REGARDING THE LICENSING OF UPLAND GAME HUNTING ON THE CEDAR CANYON PRESERVE FOR THE HUNTING OF RINGNECK PHEASANT AND BOBWHITE QUAIL WITH THE FURTHER UNDERSTANDING THAT IF THE DEPARTMENT HAS NO PROBLEM WITH THE ISSUE OF SUCH A LICENSE, THE CHAIRMAN BE AUTHORIZED TO ISSUE SAID LICENSE; (2) WORK AS EXPEDITIOUSLY AS POSSIBLE WITH THE IOGA TASK FORCE AND THE IDAHO DEPARTMENT OF FISH AND GAME TO DRAFT APPLICABLE GUIDELINES AND RULES FOR THE CONDUCT OF UPLAND GAME AND WATERFOWL HUNTING ON PRIVATE AND PUBLIC LANDS; AND (3) CONCLUDE ITS RESEARCH REGARDING OMNISPORTS AMENDMENT REQUEST FOR THE CONDUCT OF WALK AND WADE STEELHEAD FISHING ON SA1 AND SA2 WITH DECISION MADE AT THE JANUARY BOARD MEETING SHOULD THE FOREST SERVICE CONCLUDE ITS ENVIRONMENTAL ASSESSMENT BY THAT TIME AND RESPONSE/RECOMMENDATION IS RECEIVED FROM THE IDAHO DEPARTMENT OF FISH AND GAME TO ENABLE BOARD ACTION.

Warren River Expeditions, Inc./David F. Warren, D.A.: Following the interview before the Board by Mr. Warren and Mr. Bob Sevy regarding the proposed sale and transfer of the Main Salmon River float business from Bob Sevy to Mr. Warren on SA6, MSC (Crane--Baird) THAT THE PROPOSED SALE AND TRANSFER OF BUSINESS BE APPROVED PENDING COMPLETION OF THE APPLICATION, NAMELY THE NECESSARY BOND AND PAYMENT OF FEES. FURTHER, THAT MR. SEVY BE INSTRUCTED TO SUBMIT THE NECESSARY AMENDMENT REQUEST FOR HIM TO BE LICENSED AS LEAD BOATMAN FOR MR. WARREN UNTIL SUCH TIME AS MR. WARREN BECOMES SO QUALIFIED.

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The Board recessed at 1700 hours and reconvened on Friday, December 9, 1988 at 0800 hours with all Board members and Board Counsel Steve Mendive present.

Verna Fay Allen: The Board reviewed the performance evaluation and recommendation to put Ms. Allen on permanent status with a 5% merit increase following which MSC (Vaughn--Miller) THAT SAID ACTION BE TAKEN.

Sun Valley Wilderness Outfitters, Inc./R. J. Lewy, D.A.: The Board reviewed the proposed settlement and Stipulation regarding the R. J. Lewy matter. Following a discussion and certain modifications made to the proposed Stipulation as prepared by the Board's Attorney Steve Mendive, MSC (Miller--Vaughn) THAT: (1) THE BOARD GRANT AUTHORITY TO THE CHAIRMAN AND THE BOARD'S ATTORNEY TO SIGN AN AMENDED STIPULATION AS DISCUSSED AND APPROVED AT THE DECEMBER BOARD MEETING; AND (2) UPON REVIEW OF THE MATERIALS SUBMITTED BY MR. LEWY RELATIVE TO HIS BROCHURE AND ADVERTISEMENT THAT APPEARS IN THE NOVEMBER/DECEMBER 1988 ISSUE OF SPORTING CLASSICS, THAT A LETTER BE ADDRESSED TO MR. LEWY ADVISING HIM THAT THE AD THAT APPEARS ON PAGE 126 MUST BE PULLED TO MEET STIPULATION CRITERIA; OTHERWISE THE MATERIALS SUBMITTED ARE SATISFACTORY TO THE BOARD.

Chairman Meiners left the meeting due to illness and Vice Chairman Hank Miller took over as presiding officer.

Diana Swift Haynes dba Wapiti Meadows Ranch and Outfitters: The Board met with Ms. Haynes and M. Barry Bryant to discuss the upcoming Quentin Selby area and to submit an amendment request for that area. Following a review of the file and the interview, the Board decided that no action was needed.

U.S. Forest Service: The Board met with Dave Rittersbacher, Larry Tripp, and Jessie Green of the U.S. Forest Service to discuss issue of a special use permit on the South Fork Boise River. Following the discussion, MSC (Vaughn--Baird) THAT THE BOARD ADDRESS A LETTER TO MESSRS. RITTERSBACHER AND TRIPP TO: (1) EXPRESS THE BOARD'S APPRECIATION FOR THEIR INTEREST AND COOPERATION IN MEETING WITH THE BOARD TO SEEK RESOLUTION/FINE-TUNE THE MOU PROCESS IN RESOLVING THE PROBLEM; AND (2) ADVISE THEM THE BOARD WILL DELAY TAKING FURTHER ACTION ON LICENSE APPLICATIONS ON THE SOUTH FORK BOISE RIVER (90-DAY MORATORIUM) TO ENABLE THE FOREST SERVICE TO COMPLETE AN ENVIRONMENTAL ANALYSIS IN ACCORDANCE WITH THE MOU, AMENDMENT NO. 1. [Administrative Note: That's effective and starts today.]

The Board recessed for lunch at 1200 hours and reconvened at 1315 hours.

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Jim Snyder: The Board reviewed Mr. Snyder's amended outfitter license application following which MSC (Crane--Vaughn) THAT THE BOARD GIVES THE CHAIRMAN APPROVAL TO PROCEED WITH THE LICENSING OF MR. SNYDER BASED ON THE STIPULATIONS APPROVED AT ITS AUGUST 1988 MEETING.

Randy Hess dba White Otter Outdoor Adventures: Mr. Hess has requested a clarification of the exemption to Rule 53 by letter received November 29, 1988. Following a review of this matter, the Board approves an exemption to Rule 53.b. to use a 1:6 guide to client ratio for all of river section SA1 and a 1:4 ratio for hard-shell kayaks from Stanley to Rough Creek. This exemption will be for the licensing year 1989. The Chairman is directed to so advise Mr. Hess.

Albert Tilt III: The Board reviewed Mr. Tilt's amendment request for snowmobiling in the Badger Creek area noting that he has submitted a map and contract agreements from 3 ranchers following which MSC (Crane--Baird) THAT THE BOARD DIRECT THE CHAIRMAN TO APPROVE THIS REQUEST PENDING THE CHAIRMAN GETTING A WORDED DESCRIPTION FOR THE ACTIVITY OF SNOWMOBILING. [Please note the \$10.00 amendment fee.]

Tim Jewett & HCNRA: The Board reviewed Mr. Jewett's file and the HCNRA matter and did not see a need to do anything additional at this time.

Art Griffith dba Iron Horse Outfitters: Mr. Griffith met with the Board to outline and discuss his concern regarding his operating area boundary. This stems from the Board's September 12, 1986 letter in which he was notified that his operating area boundary/description had been reworded and requested him to review same and notify the Board if there "are any problems". By telephone call of October 6, 1986 and by letter dated October 11, 1986, Mr. Griffith did make the Board aware of his concern regarding the "reworded description". The Board did acknowledge Mr. Griffith's concern and by subsequent action notified him by letter dated November 13, 1986 that "a correction was, indeed, warranted". Unfortunately, however, this action did not address all of Mr. Griffith's concerns with the reworded description. Thus, the interview with the Board to further discuss this matter, following which the Board directs that research of Mr. Griffith's file and Board records and maps be done and further directs that a letter be addressed to Mr. Griffith following said research to outline findings of such research and to propose a resolution of the matter, if possible, in accordance with

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criteria as set forth in Outfitters and Guides Board Rules and Regulations No. 24.c. Copies of this letter should go to the Forest Service and affected outfitters.

Application Forms: Linda Elwood reviewed proposed changes of certain Board forms for licensing. Following a 2-hour discussion, certain formats and wordings were worked out.

Ike Bohne: The Board reviewed Mr. Bohne's file and subsequent Board action in revocation of his 1988-1989 guide license for submission of an invalid American Red Cross card and Mr. Bohne's December 4, 1988 letter of explanation of circumstances surrounding his action and request to know "what he can do to be reinstated for the 1989 season", following which MSC (Vaughn--Crane) THAT A LETTER BE ADDRESSED TO MR. BOHNE TO ADVISE HIM TO SUBMIT A 1989-1990 GUIDE LICENSE APPLICATION FOR BOARD CONSIDERATION/ACTION -- THAT PRIOR BOARD ACTION DOES NOT PREJUDICE ITS CONSIDERATION OF HIS APPLICATION WHERE SAID APPLICATION IS COMPLETE AND MATERIALS SUBMITTED ARE VALID.

Rocky Larsen: The Board reviewed Mr. Larsen's guide license application noting his citation for violation of Idaho Fish and Game law, following which MSC (Crane--Vaughn) THAT MR. LARSEN BE ISSUED A PROBATIONARY GUIDE LICENSE.

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

There being no further business, the Board adjourned at 1845 hours.

William R. Meiners

WILLIAM R. MEINERS, Chairman of the Board

ATTEST:

Linda L. Elwood

LINDA L. ELWOOD, Administrative Secretary

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SPECIAL MEETING
MINUTES

A special meeting was called for 1330 hours on December 20, 1988 for the purpose of discussing and consideration of Sun Valley Helicopter Ski Guides proposed expansion of their authorized area of operation. Said meeting was held pursuant to the procedural requirements of the Open Meeting Law [Idaho Code 67-2340 through 67-2347], specifically section 67-2343 wherein a Special Meeting may be called to "deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage".

Reference is made to Sun Valley Helicopter Ski Guides file wherein said amendment request is noted together with the necessary background material; namely review and recommendation by the U.S. Forest Service and by the Idaho Department of Fish and Game in which Sun Valley Helicopter Ski Guides original proposal was subjected to an intense public review under the Forest Service Environmental Impact/Assessment process with a workable proposal adopted by the Forest Service in consideration of issue of Special Use Permit for the conduct of said activities. The modified proposal was likewise concurred in by the Idaho Department of Fish and Game by letter to the Board dated December 13, 1988.

Reference to the file also finds that by reference to Board Minutes of November 10, 1988, following a meeting with the applicants the Board went on record that if materials were submitted in time for the Board's consideration at its December meeting, appropriate action would be taken on said amendment request. However, said materials were not received by the Board until after its December meeting and in consideration of the urgent plea to the Board by Sun Valley Helicopter Ski Guides by letter dated December 16, 1988 wherein they state: "We urgently need your decision concerning our expansion proposal. We are faced with yet another Christmas skiing season with very little snow in our regularly permitted areas of operation. The areas outlined in the latest proposal, due to a deeper snow-pack, hold the only hope of offering viable skiing to the large number of out-of-town clients coming for the holidays." Thus, in consideration of the "emergency involving injury or damage to persons or property or the likelihood of such injury or damage" as set forth in Idaho Code 67-2343, a special Board meeting was called by means of a telephone conference call involving a quorum of Board members in which this matter was presented and discussed, following which MSC (Vaughn--Crane) THAT SUN VALLEY HELICOPTER SKI GUIDES OUTFITTER LICENSE AMENDMENT REQUEST FOR EXPANSION OF THEIR OPERATING AREA BOUNDARIES AS SET FORTH IN THE U.S. FOREST SERVICE ENVIRONMENTAL ASSESSMENT, ALTERNATIVE 3, MODIFIED SVHSG PROPOSAL, TOGETHER WITH ALL STIPULATIONS CONTAINED THEREIN AND APPROVED BY VARIOUS OFFICES OF THE FOREST SERVICE DATED DECEMBER 12, 14 & 16,

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1988, AND AS FURTHER CONCURRED IN BY THE IDAHO DEPARTMENT OF FISH AND GAME BY LETTER DATED DECEMBER 13, 1988 BE APPROVED. FURTHER, THAT SPECIFIC STIPULATIONS AS CONTAINED IN SAID ENVIRONMENTAL ASSESSMENT TOGETHER WITH THE MAP ATTACHED THERETO IS AND SHALL BECOME THE CRITERIA BY WHICH THE LICENSE IS ISSUED AND THE OPERATING AREAS WITHIN WHICH SAID ACTIVITIES ARE TO BE CONDUCTED; FURTHER, THAT BOARD APPROVAL AND ISSUE OF LICENSE IN THIS INSTANCE IS SUBJECT TO THE OUTCOME OF ANY APPEAL AS MAY BE FILED AGAINST THE FOREST SERVICE IN THIS MATTER IN ISSUE OF THE SPECIAL USE PERMIT--SAID APPEAL NEEDING TO BE FILED WITHIN A 45-DAY TIME FRAME AS SET FORTH IN USDA REGULATIONS 36CFR211.18 WHEREIN IF ADVERSE ACTION IS TAKEN AND SUSTAINED BY AGGRIEVED PARTIES, THE BOARD LICENSE BECOMES NULL AND VOID.



WILLIAM R. MEINERS, Chairman of the Board

ATTEST:



LINDA L. ELWOOD, Administrative Secretary