

MINUTES

STATE OF IDAHO OUTFITTERS AND GUIDES LICENSING BOARD

Boardroom - Boise, Idaho
January 9-13, 1989

A regular meeting of the Idaho Outfitters and Guides Licensing Board was convened on Monday, January 9, 1989 at 0830 hours with all Board members and the Board's Attorney Steve Mendive present. It might be noted that the weather is pretty lousy outside and we may not have too many participants before the Board today because roads are almost impossible.

Special Meeting Minutes: The Board reviewed the Minutes of the Special Board Meeting held on December 20, 1988, following which MSC (Baird--Vaughn) THAT SAID MINUTES BE APPROVED.

Board Minutes: The Board reviewed the Minutes of the Board Meeting held on December 2, 8 and 9, 1988, following which MSC (Miller--Vaughn) THAT SAID MINUTES BE APPROVED AS AMENDED.

Fiscal Review: The Board reviewed the 1988 budget and monthly expenses. Following a review of the year-end (first and second quarter) expenses and budget allocations, MSC (Vaughn--Baird) THAT SAID FISCAL REPORTS BE APPROVED AS SUBMITTED.

Executive Session: MSC (Miller-Vaughn; "Aye" votes cast by Vaughn, Meiners, Miller, Baird, and Crane) THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL AND LITIGATIVE MATTERS. The Board went into Executive Session at 0930 hours and came out at 1010 hours with no formal action taken.

X **Gary Madsen:** The Board reviewed Mr. Madsen's file to note his letter in response to the Board's November 22, 1988 letter regarding the operating boundaries of his proposed outfitter license amendment request. Following a review of Mr. Madsen's letter, the Board directs an additional letter be addressed to Mr. Madsen requesting that he submit an amended amendment request inclusive of obtaining necessary land manager signatures regarding his proposed request for expanded operating boundaries.

X **Robert L. Cooley:** Mr. Cooley and his wife met with the Board relative to his proposed purchase of Teton Expeditions, Inc.'s float boating business on the lower Salmon River from Hammer Creek to Lewiston [SAB]. [Glen Foster, D.A. of Teton Expeditions, Inc. was unable to attend meeting due to weather/road conditions.] Following the interview before the Board, the Board finds Mr. Cooley qualified to become licensed as an outfitter. However, prior to a final decision to approve the sale and transfer of business by and between Mr. Cooley and Teton Expeditions,

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Inc., necessary paperwork must be submitted [i.e.; signed sales contract, release, bond, test, current first aid card, and fees] for Board consideration/approval. A letter should be addressed to Mr. Cooley advising him of the Board's position and encouraging him to submit necessary paperwork to enable final Board action at its March meeting.

X **Dusty Youren:** The Board reviewed Mr. Youren's file concerning his proposed purchase of a portion of the Idaho Guide Service, Inc. hunting activities in the Lowman area in Fish and Game Management Units 33 and 35. Following a discussion of this matter and in consideration of the inspection of tangible assets being transferred in the proposed sale and transfer of business, MSC (Vaughn--Crane; Meiners "No") THAT: (1) THE PROPOSED SALE AND TRANSFER OF BUSINESS BE APPROVED SUBJECT TO ADJUSTMENT OF OPERATING AREA BOUNDARY AS RECOMMENDED BY THE FOREST SERVICE BY LETTER DATED DECEMBER 13, 1988; AND (2) APPROVED LICENSED ACTIVITIES ARE THOSE FORMERLY LICENSED TO IDAHO GUIDE SERVICE, INC.

X **Idaho Guide Service, Inc./Jim Powell, D.A.:** The Board reviewed Idaho Guide Service, Inc.'s file noting the request by Mr. Powell to be re-licensed as an outfitter for the conduct of power boating activities on the lower Salmon River as well as a question as to what other activities he is retaining and his wishes to be licensed or not licensed on said areas of operation, following which MSC (Miller--Vaughn) THAT THE BOARD DIRECT A LETTER BE ADDRESSED TO MR. POWELL REQUESTING HE SUBMIT AN OPERATING PLAN IN DETAIL AS TO THE METHODS OF OPERATION HE WOULD PROPOSE ON THOSE AREAS UPON WHICH HE WISHES TO CONTINUE TO BE LICENSED AS AN OUTFITTER IN THE STATE OF IDAHO. FURTHER, THAT UPON RECEIPT OF SAID DETAILED PLANS OF OPERATION RELATIVE TO THE PROPOSED AREAS OF OPERATION, THE BOARD WILL REVIEW SAME AND MAKE A FINAL DETERMINATION AS TO WHETHER MR. POWELL WOULD BE LICENSED OR NOT LICENSED FOR THE CONDUCT OF SAID ACTIVITIES AS REQUESTED.

X **David Michael Jones:** Mr. Jones met with the Board relative to his outfitter license application for the conduct of fishing and power boating activities on the Snake River from Pittsburg Landing downstream to Lewiston [SNB]. Following the interview with Mr. Jones regarding his outfitter license request in which it was pointed out that at the moment there is no space available on SNB to which he might be licensed, MSC (Vaughn--Crane) THAT MR. JONES' APPLICATION BE PLACED ON THE WAITING LIST FOR FUTURE CONSIDERATION AT THAT POINT IN TIME WHEN THIS SLOT MAY BE LICENSED TO A QUALIFIED APPLICANT.

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X **Dan Rotthoff/Garden Valley Outfitters, Inc.:** Mr. Rotthoff met with the Board regarding the operating area boundaries to which he is currently licensed pointing out the fact that perhaps there has been some error made in this regard. Following a review of this matter, Mr. Rotthoff has agreed to re-submit an operating area boundary which he believes he can live with for further Board review and appropriate action.

The Board recessed at 1700 hours and reconvened on Tuesday, January 10, 1989 at 0830 hours with all Board members and the Board's Attorney Steve Mendive present. At 0900 hours Chairman Meiners left the meeting to attend a JAFAC committee meeting on the Board's budget.

X **Three Rivers Ranch, Inc./Harold Roberts:** The Board reviewed the proposed sale of business and transfer of business of Harold Roberts dba Roberts Fly Fishing Outfitters on the Henry's Fork [SH1 & SH2] as well as Island Park Reservoir and Henry's Lake to Three Rivers Ranch, Inc./Don Allen, D.A. In review of the file it was noted that Henry's Fork [SH2], Island Park Reservoir, and Henry's Lake are all presently licensed to Three Rivers Ranch, Inc. so that the only new item being transferred would be Henry's Fork [SH1]. In a phone conversation with Don Allen it was noted that Mr. Allen is willing to have the capability of putting six (6) boats on the river on Henry's Fork [SH2] so that he would need both licenses and it was noted to him that there should be some additional paperwork submitted that would allow this to take place, namely he could file all this under Three Rivers Ranch, Inc. II. He is willing to do this and a letter should be sent from the Board to him requesting said paperwork. Said paperwork would include: (1) an amendment request with these items listed --these four (4) sections listed under Three Rivers Ranch, Inc. II; (2) a fictitious name certificate filed with Three Rivers Ranch, Inc. II; (3) a change in the bond to note Three Rivers Ranch I and II; (4) changing of the designated agent to reflect designated agent for Three Rivers Ranch I as well as Three Rivers Ranch II; and (5) appropriate fees following which MSC (Vaughn--Baird) THAT THE BOARD APPROVE THE TRANSFER AND SALE OF BUSINESS FROM HAROLD ROBERTS FOR HENRY'S FORK [SH1 & SH2], WALK AND WADE FISHING AND/OR FLOAT BOAT FISHING ON BOTH SECTIONS, AND ON HENRY'S LAKE & ISLAND PARK RESERVOIR FOR FLOAT BOAT AND/OR POWER BOATING. FURTHER, UPON COMPLETION OF PROPER PAPERWORK AS DETERMINED BY THE CHAIRMAN, THIS SALE BE APPROVED AND LICENSE ISSUED. [Administrative Note: Let Don Allen know that there is a limit on the number of power boats per operator on those two (2) lake sections.]

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† **Joe Eld:** Mr. Eld met with the Board in review of his outfitter license application for sleigh rides on his private property in McCall, following which MSC (Crane--Baird) THAT THE BOARD APPROVE MR. ELD'S OUTFITTER LICENSE APPLICATION FOR SLEIGH RIDES ON HIS PRIVATE PROPERTY AND THAT OF HIS NEIGHBOR PENDING RECEIPT OF NECESSARY PAPERWORK WHICH WILL INCLUDE: (1) A PROPERLY WORDED AREA DESCRIPTION AND MAP; (2) APPROPRIATE FEES; (3) PERFORMANCE BOND WHICH HE INDICATES HE WILL GO THROUGH THE ASSOCIATION; AND (4) HIS SUBMITTED OUTFITTER EXAMINATION WHICH WILL NEED TO BE GRADED. BEING THAT HE IS USING THE NAME ELD OUTFITTERS, HE WILL NOT NEED AN ASSUMED NAME CERTIFICATE. [Administrative Note: We should send a letter to the Idaho Department of Fish and Game requesting input as to whether they have any problems with this, but since he's been working with them we assume that they do not.]

Chairman Meiners returned to the Board meeting at 1115 hours.

† **Brent Galbraith:** Mr. Galbraith and Mr. Grady Smith appeared before the Board in the denial hearing relative to the Board's denial of Mr. Galbraith's guide license for the conduct of elk, deer, and bear hunting as well as fishing and trailriding activities. Following the hearing before the Board, Findings of Fact are that Mr. Galbraith did in fact: (1) commit various violations of Fish and Game law; (2) not report all such violations on his guide license application for his 1988 guide license; and (3) that in accordance with testimony offered by Mr. Galbraith, he was not aware the Board had changed its rules and regulations relative to the five (5) year limitation in reporting citations; therefore, inasmuch as he had received his citations in the late 70's did not report same on his application. Thus, the Conclusions of Law are: (1) that Mr. Galbraith did in fact violate the law as set forth in Idaho Code 36-2109(c), 36-2113(a)(1&6). In consideration of this matter, MSC (Baird--Vaughn; Miller "No") THAT THE BOARD'S ORIGINAL DENIAL OF MR. GALBRAITH'S APPLICATION FOR A GUIDE LICENSE BE SUSTAINED AND THAT HIS FEES BE RETURNED. FURTHER, THAT THE BOARD WILL CONSIDER AN APPLICATION FROM MR. GALBRAITH FOR THE 1989-90 LICENSE YEAR.

† **Scott A. Minter:** The Board reviewed Mr. Minter's file regarding his proposed purchase of the Dave Stucker outfitting business for the conduct of bear and cougar hunting on the Payette and Boise National Forests. The Board found that Mr. Minter and Mr. Stucker have now submitted the necessary paperwork which was lacking when they met with the Board in December. And, in consideration of the fact that the application now appears to be complete inclusive of Forest Service input, MSC (Crane--Baird) THAT THE BOARD

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APPROVE THE SALE AND TRANSFER OF BUSINESS BY AND BETWEEN DAVE STUCKER TO SCOTT MINTER FOR THE CONDUCT OF BEAR AND COUGAR HUNTING AS REQUESTED WITH MR. MINTER BEING QUALIFIED TO GUIDE.

X **Robert L. Hennefer dba Little Wood River Outfitters:** The Board reviewed Mr. Hennefer's outfitter license amendment request for the addition of cougar hunting within his assigned area. The review of Mr. Hennefer's file found that a letter of response from the Idaho Department of Fish and Game regarding his amendment request has not yet been received. A telephone call was placed to Craig Kvale, Idaho Department of Fish and Game, Jerome, Idaho, requesting his input regarding Mr. Hennefer's amendment request. His statement was to the effect that the area in question was recently opened to cat hunting for this winter, that impact of hunting on the cat population was unknown, and that the Department would prefer that no commercial operation be allowed until at least one (1) year's experience is gained to evaluate the impact on the cougar population. In consideration of this matter and recommendation by the Idaho Department of Fish and Game, MSC (Baird--Vaughn) THAT MR. HENNEFER'S OUTFITTER AMENDMENT REQUEST BE DENIED. THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(5) AND IDAHO DEPARTMENT OF FISH AND GAME RECOMMENDATIONS.

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

X **Quaker Hill Conference dba Backcountry and Beyond/Mike Crevelt, D.A.:** The Board reviewed Quaker Hill Conference's file noting their two (2) requests: (1) being a further follow-up on Mr. Crevelt's request to become licensed for the conduct of technical mountaineering/rock climbing on a modified scale; and (2) his request for authority to conduct a ski trip off his designated operating area into the Burgdorf Hot Springs area February 20-24, 1989, said trip to be conducted without benefit of a lead guide in charge of the group. Following a review of the file and discussion of this matter, (a) MSC (Vaughn--Baird) THAT IN ACCORDANCE WITH MR. CREVELT'S REQUEST FOR THE ADDITION OF TECHNICAL MOUNTAINEERING/ROCK CLIMBING AS AN AMENDED ACTIVITY TO QUAKER HILL'S OUTFITTER LICENSE, SAID AMENDMENT BE APPROVED IN ACCORDANCE WITH THE CRITERIA AS SET FORTH IN MR. CREVELT'S LETTER TO THE BOARD DATED NOVEMBER 29, 1988 AND THAT SAID CRITERIA SHALL BECOME PART AND PARCEL TO THE AMENDED LICENSE AND ATTACHED THERE-TO; AND (b) MSC (Baird--Vaughn) IN ACCORDANCE WITH MR. CREVELT'S REQUEST FOR A ONE-TIME PERMISSION TO CONDUCT A "FIVE-DAY DEPARTMENT OF HEALTH AND WELFARE SKI COURSE CONTRACT TO SKI A GROUP OF KIDS INTO BURGENDORF HOT SPRINGS 20 MILES NORTH OF McCALL", SAID

TRIP TO BE CONDUCTED OUTSIDE THE BOUNDARIES OF HIS CURRENTLY LICENSED OPERATING AREA WITHOUT BENEFIT OF A LEAD GUIDE IN CHARGE OF THE GROUP, THIS REQUEST BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(2) AND IDAHO OUTFITTERS AND GUIDES LICENSING BOARD RULE AND REGULATION NO. 5(a&b).

X **David L. Udy/Cody Keating:** The Board reviewed Mr. Udy's file, more particularly Russ Kocazek's Idaho Department of Fish and Game's letter to the Board dated December 21, 1988 regarding Mr. Udy's and Mr. Keating's activities in which he requests some assistance in coping with the problem of outfitters licensing guides with said guides ignoring road closures and other violations of law. The Board further noted that Messrs. Udy and Keating have plead guilty to the charges and have been fined accordingly. Following a discussion of this matter, MSC (Baird--Crane) THAT MR. UDY BE BROUGHT BEFORE THE BOARD ON A SHOW-CAUSE HEARING TO EXPLAIN THE CIRCUMSTANCES SURROUNDING THIS INSTANCE AS TO WHY HIS OUTFITTER'S LICENSE SHOULD NOT BE REVOKED IN ACCORDANCE WITH IDAHO CODE 36-2113(a)(6); AND, FURTHER, THAT MR. KEATING LIKEWISE BE BROUGHT BEFORE THE BOARD ON A SHOW-CAUSE HEARING TO EXPLAIN AS TO WHY HIS LICENSE SHOULD NOT BE REVOKED IN ACCORDANCE WITH IDAHO CODE 36-2113(a)(6).

Larry Tripp & Jeff Green/U.S. Forest Service: Messrs. Tripp and Green met with the Board regarding the preparation of an Environmental Assessment concerning the conduct of commercial outfitting activities on the South Fork of the Boise River. The purpose of the meeting was to review the background leading to the Board's decision to open commercial outfitting on the South Fork of the Boise River and the necessary steps to be taken in consideration of the MOU, Amendment #1 in preparation of an applicable Environmental Assessment.

X **Dave Stucker:** The Board reviewed Mr. Stucker's file relative to his outfitter license amendment request for the conduct of bear and cougar hunting in Fish and Game Management Units 8, 8A, and 10A. Following a discussion of this matter and in consideration of the recommendations made by the Idaho Department of Fish and Game, MSC (Crane--Baird) THAT MR. STUCKER'S LICENSE AMENDMENT REQUEST 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 NO. 24.b. TOGETHER WITH THE RECOMMENDATIONS OF THE IDAHO DEPARTMENT OF FISH AND GAME IN LETTERS DATED DECEMBER 30, 1988 AND MARCH 22, 1988.

X **Michael J. Stockton dba Michael J. Stockton Outfitters:** The Board reviewed Mr. Stockton's file noting his outfitter license amendment request for the conduct of bear and cougar hunting in

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Fish and Game Management Units 8A, 10, and 10A. Following a discussion of this matter, MSC (Baird--Crane) THAT MR. STOCKTON'S OUTFITTER LICENSE AMENDMENT REQUEST 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 NO. 24.b. AND IN ACCORDANCE WITH THE RECOMMENDATIONS BY IDAHO DEPARTMENT OF FISH AND GAME LETTERS DATED DECEMBER 30, 1988 AND MARCH 22, 1988.

The Board recessed for the evening at 1715 hours and reconvened on Wednesday, January 11, 1989 at 0830 hours with all Board members present. The Board's Attorney will be here about 1000 hours.

X **Garry Merritt:** Mr. Merritt met with the Board to express his personal opinion and that of the Salmon and Bitterroot Chapters of IOGA, regarding the Board's sheep hunting policy. The Board will take the expressed opinion(s) and concern(s) under advisement in consideration in arriving at a decision on this matter.

↑ **Michael Scott dba White Cloud Outfitters:** The Board reviewed Mr. Scott's file and his proposed purchase of business from Scott Farr dba Wilderness Outfitters for the conduct of bear/cougar hunting, and snowmobiling activities. In the discussion of this matter, it was noted that Scott Farr has been licensed for cougar hunting in what is known as the Custer County joint-use area with the Board's position being that no further transfer of this activity would be allowed until such time as the number of cougar hunters was reduced to four (4) active outfitters. It was further noted that Michael Scott is aware of the Board's position in this regard and is requesting only to be licensed for cougar hunting within his assigned area in Custer County, following which MSC (Vaughn--Crane) THAT THE PROPOSED SALE AND TRANSFER OF BUSINESS FROM SCOTT FARR dba WILDERNESS OUTFITTERS TO MICHAEL SCOTT dba WHITE CLOUD OUTFITTERS BE APPROVED FOR CONDUCT OF BEAR/COUGAR HUNTING AND SNOWMOBILING ACTIVITIES EXCEPT COUGAR HUNTING WITHIN CUSTER COUNTY SHALL BE RESTRICTED TO MICHAEL SCOTT'S LICENSED OPERATING AREA. FURTHER, THAT SCOTT FARR dba WILDERNESS OUTFITTERS BE DELETED FROM THE CUSTER JOINT-USE AREA AS AN ACTIVE OUTFITTER THEREBY REDUCING THE TOTAL NUMBER OF LICENSED OUTFITTERS IN THIS AREA TO FOUR (4). FURTHER, THAT THE LICENSE NOT BE ISSUED UNTIL SUCH TIME AS THE RELEASE IS RECEIVED FROM SCOTT FARR AS IS REQUIRED FOR SALES AND TRANSFERS OF BUSINESS.

Larry Plott: Mr. Plott met with the Licensing Board in review and discussion of P.O.S.T. Academy procedures and requirements for certification of Licensing Board Enforcement Agents.

The Board recessed for lunch at 1155 hours and reconvened at 1320 hours..pa

Tonya Clark/Idaho Public Utilities Commission: The Board met with Ms. Clark to discuss areas of mutual concern with clarification of guidelines and procedures relative to conduct of licensed outfitter activities. This meeting proved to be very fruitful in identification and explanation of certain of these problems, following which: (a) Ms. Clark will respond to the Board's letter of July 20, 1988 to further clarify the P.U.C.'s position regarding the Board's authority in regulation of transport of clients on public high-ways; and (b) MSC (Miller--Vaughn) 1) UPON THE PUC'S RELINQUISHMENT OF THEIR RESPONSIBILITY TO LICENSE VESSELS ON IDAHO'S WATERS, THE BOARD WOULD ASSUME THIS RESPONSIBILITY AND WORK WITH THE IDAHO DEPARTMENT OF PARKS AND RECREATION, BOAT SAFETY DIVISION, TO ADDRESS NECESSARY INSPECTION REQUIREMENTS; 2) UPON THE PUC'S DESIGNATION OF OUTFITTER VEHICLES AS EXEMPT OR OTHERWISE OUTSIDE THEIR AUTHORITY/REGULATION (PUC WOULD RETAIN INSPECTION AUTHORITY) THE BOARD WOULD ACCEPT THIS RESPONSIBILITY AND ADOPT APPROPRIATE INSURANCE LIABILITY STANDARDS AS NECESSARY ASSUMING LEGISLATION IS ENACTED TO AUTHORIZE SUCH IOGLB RESPONSIBILITY; AND (3) THAT LETTERS BE ADDRESSED TO SENATOR BEITELSPACHER AND THE IDAHO PUC ADVISING THEM OF THE BOARD'S ACTION IN THIS REGARD AND OFFERING ITS ATTORNEY'S ASSISTANCE IN DRAFTING THE NECESSARY LANGUAGE TO ACCOMPLISH THIS OBJECTIVE. COPIES OF THIS CORRESPONDENCE SHOULD GO TO THE IOGA.

f **H. Spence Warner:** Mr. Warner responded to the Board's attorney's request to meet to discuss circumstances surrounding Mr. Warner's activities on the South Fork of the Snake River this past summer. The Board directed that Mr. Mendive meet with Mr. Warner to explore and establish the facts of this case, exclusive of the Board's participation with report back to the Board as to the outcome of said meeting following which the Board would take that action it deemed appropriate.

Outfitter Examination: The Board reviewed the revised copy of the Outfitter Examination, following which MSC (Baird--Miller) THAT SAID REVISED EXAMINATION BE APPROVED FOR USE AS CORRECTED AND DATED JANUARY 11, 1989.

x **Alvin Dale Carver:** The Board met with Mr. Carver relative to his outfitter license application for conduct of elk, deer, and bear hunting as well as trailrides in a portion of Fish and Game Management Unit 39 in the upper Boise River drainage. Following the interview and in consideration of his application and qualifications, it is the Board's position that Mr. Carver's application is not complete as he does not have land manager's approval. However, Mr. Carver appears qualified to conduct the business and

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upon receipt of recommendations from the Idaho Department of Fish and Game and the U.S. Forest Service regarding Mr. Carver's application and completion of said application, the Board will take further appropriate action.

The Board recessed at 1630 hours and reconvened on Thursday, January 12, 1989 at 0830 hours with all Board members and the Board's Attorney Steve Mendive present.

X **Mike McCarthy:** The Board met with Mr. McCarthy relative to his outfitter license application for the conduct of waterfowl hunting. The discussion with Mr. McCarthy was to explore various options in development of applicable rules and regulations that could be put in place to govern the conduct of waterfowl hunting, with Mr. McCarthy providing his insight into these matters. Following the discussion, Mr. McCarthy agreed to submit his suggestions to the Board in writing for its further consideration and development of said rules.

Board Training Forms: The Board reviewed said training forms, namely the power and float boatman trainee card, the certified hunting guide training form, and the certified snowmobile guide training form. Following a review of these forms, MSC (Crane--Vaughn) THAT THE FORMS BE APPROVED AS HAVE BEEN REVISED [Administrative Note: On the float and power boat trainee cards, check with Hank Miller to incorporate his thinking as to what he has in mind in this regard with further recommendation that all training forms be put on a common base such as the float and power boating training card].

X **M. Barry Bryant:** The Board reviewed Mr. Bryant's outfitter license application to become the Designated Agent for Diana Swift Haynes dba Wapiti Meadows Ranch and Outfitters. Following a review of the file and Mr. Bryant's credentials, MSC (Miller--Baird) THAT MR. BRYANT BE APPROVED AS DESIGNATED AGENT PENDING THE COMPLETION OF THE NECESSARY PAPERWORK AND UPON RECEIPT OF SAID PAPERWORK THE CHAIRMAN BE AUTHORIZED TO ISSUE THE LICENSE.

X **James S. Fowler, Jr.:** Mr. Fowler met with the Board relative to his outfitter amendment request to amend his operating area boundary to include some additional property. During the interview, it was explained that the Board would hold Mr. Fowler's amendment request until such time as the Board has opportunity to develop the necessary guidelines and rules for the conduct of upland game hunting in the State of Idaho.

The Board recessed for lunch at 1150 hours and reconvened at 1250 hours.

X **Darl Allred dba Sawtooth Wilderness Outfitters and Guides:** Mr. Allred met with the Board relative to his proposed purchase of the Leo Jarvis dba Sawtooth Wilderness Outfitters outfitting business for the conduct of elk, deer, goat, sheep, bear, cougar, predator, and bird hunting as well as fishing, trailrides, and backpacking activities. Following the interview before the Board and the discussion of this matter, MSC (Baird--Vaughn) THAT THE PROPOSED SALE BETWEEN MR. ALLRED AND MR. JARVIS BE APPROVED AS PRESENTED TO THE BOARD WITH THE PROVISIO THAT MR. ALLRED SECURE THE SERVICES OF A LICENSED GUIDE PENDING HIS BECOMING QUALIFIED TO GUIDE. FURTHER, THAT THIS CONTRACT OF INTENT TO HIRE A LICENSED GUIDE BE SUBMITTED TO THE BOARD PRIOR TO THE ISSUE OF LICENSE. AND, FURTHER, THAT APPROPRIATE BONDING IS OBTAINED WITH NOTIFICATION TO THE BOARD OF THIS FACT AND FEES PAID.

Grant Simonds/Doug Tims: Messrs. Simonds and Tims of the IOGA together with Curt Thompson, Jim Thrash, and Stan Potts met with the Board to discuss a variety of matters of interest to both the industry and to the Licensing Board, such as the Board's sheep hunting policy, report forms, PUC matters, etc. Following a rather extended and explicit discussion of these matters, the Board thanked the parties for their insight, concern, and interest and will utilize/consider said input in taking further appropriate action in addressing the matters discussed.

The Board recessed at 1725 hours and reconvened on Friday, January 13, 1989 at 0830 hours with all Board members and the Board's Attorney Steve Mendive present.

X **James McManus:** The Board's Attorney Steve Mendive reviewed the McManus' file with the Board with the recommendation that this matter be continued to a future date to allow the McManuses to exhaust their appeals process with the U.S. Forest Service before any further Board action is taken. The Board concurs in this recommendation.

X **Mike Sohrakoff:** The Board's Attorney reviewed Mr. Sohrakoff's file relative to the pending complaint against Mr. Sohrakoff and the stipulated settlement made relative to this complaint in the court at Grangeville, Idaho wherein all matters of this complaint have been resolved. It is, therefore, the Board attorney's recommendation that the pending Board action against Mr. Sohrakoff be vacated and an Order so prepared to achieve this purpose. MSC (Miller--Vaughn) THAT THE BOARD ACCEPT ITS ATTORNEY'S RECOMMENDATION IN THIS REGARD AND THAT AN ORDER BE PREPARED TO VACATE THE ACTION AGAINST MR. SOHRAKOFF.

High Country Outfitters/Quentin Selby, D.A.: The Board's Attorney reviewed this file and matter with the Board indicating that the process of attempting to serve notice on Mr. Selby by regular mail, certified mail, and by service by the Valley County Sheriff of the Board's action in this matter has been unsuccessful, following which MSC (Miller--Crane; Vaughn abstains) THAT THE BOARD DIRECT ITS ATTORNEY TO PROCEED WITH SERVICE BY PUBLICATION TO ENABLE THIS MATTER TO BE CLOSED.

X **Garden Valley Outfitters/Dan Rotthoff, D.A.:** The Board's Attorney reviewed Mr. Rotthoff's file to update the Board as regards court proceedings in this matter; proceedings are still pending and no further action is required at this point in time.

X **Sun Valley Wilderness Outfitters/R. J. Lewy, President:** The Board's Attorney reviewed this matter with the Board stating that negotiations are ongoing and it is anticipated that settlement will soon be obtained upon signature to the stipulated agreement in resolution of this problem.

X **Idaho Big Game/Don Goodman, D.A.:** The Board's Attorney reviewed Mr. Goodman's file regarding the complaint filed against him, following which MSC (Miller--Vaughn) THAT THE BOARD'S ATTORNEY BE DIRECTED TO PURSUE THIS MATTER WITH A HEARING SCHEDULED FOR MR. GOODMAN TO APPEAR BEFORE THE BOARD IN ANSWER TO THIS COMPLAINT AT THE MARCH MEETING.

X **Ouzel Holding Co., Inc./James Kent Wickham, D.A.:** Mr. Wickham met with the Board regarding his proposed purchase of the float boating business on the lower-Salmon River from Hammer Creek to Lewiston [SAB] from Steven W. Shephard dba Salmon River Outfitters. Following the interview before the Board and in consideration of Mr. Wickham's qualifications, MSC (Miller--Vaughn) THAT THE BOARD APPROVE THE PROPOSED SALE AND TRANSFER OF BUSINESS FROM STEVEN W. SHEPHARD dba SALMON RIVER OUTFITTERS TO OUZEL HOLDING CO., INC. dba OUZEL OUTFITTERS/JAMES KENT WICKHAM, D.A. PENDING COMPLETION OF NECESSARY PAPERWORK WITH THE FOLLOWING CONDITIONS: (1) THAT EMPLOYMENT OF A LEAD GUIDE IS NECESSARY UNTIL SUCH TIME AS MR. WICKHAM BECOMES SO QUALIFIED AS LEAD BOATMAN ON THE LOWER SALMON [SAB]; (2) THAT BONDING IS COMPLETED AS INDICATED FROM HIS STATEMENT THAT HE HAD APPLIED TO THE OUTFITTERS AND GUIDES ASSOCIATION TO BECOME A MEMBER AND THUS BONDED; AND (3) COMPLETION OF OTHER NECESSARY PAPERWORK.

X **Gerald Richie:** The Board reviewed the letter received from Mr. Richie concerning his activities in the Indian Creek drainage within his operating area boundaries in response to the Board's

letter of December 14, 1988 regarding this matter. Following a review of this situation, it is the Board's position that a letter be addressed to Mr. Richie requesting a copy of the operating plan or other agreements reached following his meeting with the Forest Service for future use of the Indian Creek drainage.

Daniel O. Castillo: The Board reviewed Mr. Castillo's January 6, 1989 letter to the Board in which he submits a proposed Environmental Assessment procedure under the Memorandum of Understanding Amendment No. 1 in consideration of outfitter license application by Quentin L. Cook/Brandy's Fly Shop of Orofino, Idaho for the conduct of fly fishing activity on a variety of streams out of the Orofino area within the Clearwater drainage. Following a review of Mr. Castillo's letter and scoping document relative to this activity, MSC (Miller--Vaughn) THAT A LETTER BE ADDRESSED TO MR. CASTILLO WITH COPY TO DAVE RITTERSBACHER TO OUTLINE THE BOARD'S APPRECIATION IN HIS HAVING CONTACTED IT RELATIVE TO THE INTEREST EXPRESSED BY MR. QUENTIN L. COOK OF OROFINO, IDAHO FOR THE CONDUCT OF FLY FISHING ACTIVITIES IN THE CLEARWATER DRAINAGE; THAT WE CONCUR THAT THIS FALLS WITHIN THE PURVIEW OF THE MOU AMENDMENT NO. 1. HOWEVER, PER STEP 2 TO AMENDMENT NO. 1, THE BOARD WOULD HAVE APPRECIATED CONTACT BY THE FOREST SERVICE TO REVIEW THE COORDINATING GUIDELINES AND "AGREE ON WHAT INTENSITY OF ANALYSIS AND PUBLIC INVOLVEMENT IS APPROPRIATE FOR THE SPECIFIC SITUATION BEING ADDRESSED, MUTUALLY AGREEING ON THE ADJUSTMENTS TO THE COORDINATING GUIDELINES TO MEET THE NEEDS OF THE SPECIFIC CASE UNDER REVIEW". FURTHER, THE LETTER SHOULD STATE THAT THE BOARD IS NOT COMFORTABLE WITH THE FACT THAT THIS IS A NEW OPPORTUNITY FOR OUTFITTED ACTIVITY IN ACCORDANCE WITH EXHIBIT 2, INTRODUCTION ITEM 2, SUBSECTION E, WHERE IT READS: "BUT THE SERVICES TO BE PROVIDED ARE UNIQUE TO THE AREA OR REPRESENT AN ADDITIONAL PUBLIC SERVICE THAT COULD POTENTIALLY BE PROVIDED WITHOUT IMPINGING ON THE ABILITY OF THE EXISTING OUTFITTER TO CONDUCT A VIABLE BUSINESS OR IMPACTING RESOURCE CONDITIONS". HOWEVER, THE BOARD DOES AGREE TO INITIATING STEP 3 IN COMPLETION OF THE PROPOSED ENVIRONMENTAL ASSESSMENT TO SEE WHAT FALLS OUT. FURTHER, THE LETTER SHOULD ASK THAT MR. CASTILLO KEEP THE BOARD ADVISED OF DEVELOPMENTS AND INDICATE THAT WE HAVE ALREADY RECEIVED A LETTER OF OPPOSITION [COPY ENCLOSED] TO THE PROPOSED ACTIVITY.

F. Carl Pence/Sawtooth National Recreation Area: The Board reviewed Mr. Pence's December 23, 1988 letter to the Board regarding the Environmental Assessment the Forest Service has initiated relative to the proposed steelhead fishing activity on the upper main Salmon River [SA1] requesting Board input to said Environmental Assessment. Following a review of Mr. Pence's letter and in discussion of this matter, MSC (Miller--Vaughn)

THAT A LETTER BE ADDRESSED TO MR. PENCE, WITH COPY TO DAVE RITTERSBACHER, EXPRESSING THE BOARD'S APPRECIATION FOR RECEIVING HIS LETTER REGARDING INITIATION OF THE MOU PROCESS IN CONSIDERATION OF ADDRESSING THE PROPOSED ACTIVITIES ALONG THE UPPER SALMON RIVER; HOWEVER, THE LETTER SHOULD EXPRESS THE BOARD'S POSITION THAT: (1) IT WOULD HAVE APPRECIATED BEING CONTACTED ON THIS MATTER PRIOR TO READING A NEWS RELEASE ABOUT IT IN THE IDAHO STATESMAN; (2) INITIATION OF STEPS TAKEN IS NOT IN ACCORDANCE WITH THE MOU AMENDMENT NO. 1, EXHIBIT 2, STEP 2, WHICH STATES: "AGREE ON WHAT INTENSITY OF ANALYSIS AND PUBLIC INVOLVEMENT IS APPROPRIATE FOR THE SPECIFIC SITUATION BEING ADDRESSED, MUTUALLY AGREEING ON ADJUSTMENTS TO THE COORDINATING GUIDELINES TO MEET THE NEEDS OF THE SPECIFIC CASE UNDER REVIEW"; AND (3) SINCE STEP 3 HAS NOW BEEN INITIATED, THE BOARD WOULD CONCUR THAT THE ENVIRONMENTAL ASSESSMENT GO FORWARD WITH OPPORTUNITY TO COMMENT ON SAME AND THAT UPON CONCLUSION OF THE PUBLIC COMMENT PERIOD, THAT THE BOARD HAVE OPPORTUNITY TO JOINTLY REVIEW SAID COMMENT AND RENDER AN APPROPRIATE DECISION IN ACCORDANCE WITH THE MOU AMENDMENT NO. 1 STEP 4 AND BEYOND.

The Board recessed for lunch at 1200 hours and reconvened at 1330 hours.

✓ **D. E. Supple:** The Board reviewed Mr. Supple's letter to the Board dated January 3, 1989 regarding his activities and advertisement noting that he has agreed to delete Idaho from his card. Following a review of this matter and in consideration of the fact that Mr. Supple has apparently distributed his cards rather widely in the Orofino area, the Board directs that a letter be addressed to Mr. Supple stating that: (1) any advertisement that he would make for guiding activities in the State of Idaho must show his employing outfitter's name or names; and (2) although his card has Idaho deleted from the face thereof, that many such cards are apparently in circulation in the Orofino area and the Board would instruct him to either collect said cards or otherwise amend them to the status as submitted to the Board by his letter dated January 3, 1989.

Kathleen Lucich: The Board reviewed Ms. Lucich's letter of January 4, 1989 to Board regarding an outfitter license application from Alvin Dale Carver for the conduct of deer and elk hunting and incidental fall bear hunting as well as summer trailrides in the upper Boise River drainage in Fish and Game Management Unit 39. Following a review of Ms. Lucich's letter and in consideration of Mr. Carver's outfitter license application, MSC (Miller--Vaughn) THAT A LETTER BE ADDRESSED TO KATHLEEN LUCICH, DISTRICT RANGER AT IDAHO CITY RANGER DISTRICT, BOISE NATIONAL FOREST, WITH COPY TO DAVE RITTERSBACHER TO EXPRESS

THE BOARD'S APPRECIATION FOR RECEIPT OF HER LETTER IN ALERTING US OF THEIR INTEREST IN WORKING WITH THE BOARD TO ARRIVE AT AN APPLICABLE DECISION RELATIVE TO THE ISSUE OR NON-ISSUE OF A SPECIAL USE PERMIT AND LICENSE FOR THE CONDUCT OF MR. CARVER'S ACTIVITIES. FURTHER, THAT THE BOARD WOULD AGREE THAT: (1) THIS DOES REPRESENT A NEW OPPORTUNITY, THUS REQUIRING COORDINATION BY AND BETWEEN THE BOARD/USFS IN PROCESSING OF THE APPLICATION; (2) THAT A LIMITED INTENSITY OF ANALYSIS OF PUBLIC INVOLVEMENT WOULD SEEM APPROPRIATE; (3) MR. CARVER HAS MET WITH THE BOARD AND APPEARS TO BE A QUALIFIED APPLICANT; (4) THE BOARD AWAITS FOREST SERVICE RECOMMENDATION AS TO WHETHER ITS POSITION MEETS THE INTENT AND PURPOSE OF AMENDMENT NO. 1 TO THE MOU; AND (5) THE BOARD ALSO AWAITS IDAHO DEPARTMENT OF FISH AND GAME RECOMMENDATION/INPUT CONCERNING MR. CARVER'S APPLICATION BEFORE TAKING FURTHER ACTION IN PROCESSING SAID APPLICATION.

Thomas C. Blunn: The Board reviewed Mr. Blunn's letter dated December 9, 1988 regarding the cost-share proposal for enforcement activities on the Pierce Ranger District of the Clearwater National Forest. Following a review of the letter and challenge grant proposal, the Board directs that a letter be addressed to Mr. Blunn advising him that they will take this under advisement and contact the Idaho Department of Fish and Game to ascertain their interest in participating in the program, following which MSC (Miller--Vaughn) THAT WHERE RESEARCH FINDS THAT THE IDAHO DEPARTMENT OF FISH AND GAME IS WILLING TO PARTICIPATE IN THE CHALLENGE GRANT PROPOSAL, THE CHAIRMAN BE AUTHORIZED TO APPROVE THE CHALLENGE GRANT PROPOSAL AS AMENDED ON BEHALF OF THE BOARD, FUNDS PERMITTING.

Jeff Carlson: The Board reviewed Mr. Carlson's January 4, 1989 letter to the Board in which he pleads his case relative to the circumstances surrounding the Board's denial of his 1988-89 guide license application. The Board also reviewed the letter submitted in his support by Mr. Spence Warner, his employing outfitter. Following a review and discussion of this matter, MSC (Miller--Crane) THAT MR. CARLSON BE CONSIDERED FOR ISSUE OF A PROBATIONARY GUIDE LICENSE FOR THE 1989-90 LICENSE YEAR UPON SUBMISSION OF A PROPERLY EXECUTED GUIDE LICENSE APPLICATION. FURTHER, THAT MR. CARLSON AND MR. WARNER BE SO ADVISED OF THE BOARD'S ACTION IN THIS REGARD.

Executive Session: MSC (Baird--Crane; "Aye" votes cast by Crane, Miller, Baird, Vaughn, and Meiners) THAT THE BOARD GO INTO EXECUTIVE SESSION FOR PURPOSE OF DISCUSSING PERSONNEL MATTERS. The Board went into Executive Session at 1445 hours and came out of Executive Session at 1550 hours with no decisions made.

Executive Director: The Board reviewed the proposal to employ an Executive Director, following which MSC (Baird--Miller) THAT THE CHAIRMAN PROCEED WITH THE IMPLEMENTATION OF HIRING AN EXECUTIVE DIRECTOR AND ADJUSTING THE BOARD'S STAFF AS OUTLINED IN HIS PROPOSAL WHICH HAS BEEN REVIEWED BY THE BOARD.

Proposed Legislation: Following a discussion of moving to employ an Executive Director, MSC (Miller--Vaughn) THAT THE CHAIRMAN BE DIRECTED TO INITIATE DRAFTING APPROPRIATE LEGISLATION FOR THE EMPLOYMENT OF AN EXECUTIVE DIRECTOR; THIS TO BE REVIEWED BY THE BOARD PRIOR TO ITS SUBMISSION TO APPROPRIATE CHANNELS FOR ITS INTRODUCTION INTO THE LEGISLATURE. SAID DRAFT LEGISLATION SHOULD BE IN THE BOARD'S HANDS BY JANUARY 23, 1989 WITH RESPONSE BACK FROM RESPECTIVE BOARD MEMBERS BY JANUARY 27, 1989.

Board Forms: The Board reviewed the draft printout of the revised forms, following which the Board finds that these forms are satisfactory and directs that said forms be submitted for printing together with the additional form submitted by the IOGA to replace the current reporting form for outfitted activities with a minimum of 1,000 copies of this latter form printed for distribution to go out with the 1989-1990 license year renewal applications.

Policy-Permitted Hunts: Following a review of the file in this regard, interviews before the Board of interested parties in this regard, as well as written, oral, and telephone conversations with other interested parties, MSC (Baird--Crane) THAT INASMUCH AS THE BOARD CAN FIND NO AUTHORITY IN LAW, RULE, OR REGULATION AND UPON ADVICE OF COUNSEL, THE POLICY REGARDING SPECIAL AND/OR PERMITTED HUNTS FOR SHEEP, GOATS, MOOSE, AND ANTELOPE ALLOWING THE OUTFITTER HAVING A PROPERLY PERMITTED HUNTER CLIENT TO, UPON PROPER NOTIFICATION, ETC. AS SET FORTH AND APPROVED IN OUTFITTER AND GUIDE BOARD MINUTES DATED 9/85 ON PAGE 3 BE RESCINDED. FURTHER, THAT THE BOARD REVIEW AND EXAMINE POTENTIAL METHODS FOR LEGALLY ACCOMMODATING THIS ACTIVITY WITH NO FINAL DECISION BEING MADE PRIOR TO THE IOGA MEETING IN APRIL 1989.

Special Auction Bighorn Sheep Tag for the State of Idaho: Following consideration of the Idaho Department of Fish and Game's allowance of an auction bighorn sheep tag for the conduct of bighorn sheep hunting anywhere within the State of Idaho in those areas open to bighorn sheep hunting, MS (Baird--Vaughn) UPON NOTIFICATION BY THE SUCCESSFUL RECIPIENT OF THE IDAHO ROCKY MOUNTAIN BIGHORN SHEEP TAG AUCTIONED AT THE FOUNDATION FOR NORTH AMERICAN WILD SHEEP AUCTION AT RENO, NEVADA IN FEBRUARY 1989 AS TO HIS SELECTED OUTFITTER TO CONDUCT A HUNT FOR HIM, THE BOARD WILL CONSIDER AN AMENDMENT TO THAT OUTFITTER'S LICENSE TO ALLOW

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HIM TO CONDUCT THAT ACTIVITY IN ANY LOCATION DESIRED BY THE SHEEP HUNTER AS PROVIDED BY FISH AND GAME RULE AND REGULATION. SAID APPROVAL WILL BE PREDICATED UPON APPLICATION BY THE OUTFITTER FOR SUCH AN AMENDMENT; SAID APPLICATION TO INCLUDE THE NECESSARY LAND MANAGER'S SIGNATURE AND AMENDMENT FEE. UPON THE COMPLETION/APPROVAL OF THE AMENDMENT, THE BOARD WILL NOTIFY ALL OUTFITTERS HAVING SHEEP HUNTING AREAS WITHIN THEIR AREAS OF OPERATION OF THE SUCCESSFUL APPLICANT AND HIS LICENSED OUTFITTER. Substitute motion MSC (Miller--Crane) THAT DALE'S MOTION REMAIN INTACT EXCEPT THAT PORTION OF NOTIFYING THE OUTFITTERS BE CHANGED TO: THE SELECTED OUTFITTER WILL NOTIFY THOSE AFFECTED OUTFITTERS AS TO WHEN AND WHERE THE SHEEP HUNT WILL OCCUR. [Administrative Note: The effect of the amended motion is that the Board does not notify all affected outfitters, that that becomes the responsibility of the selected outfitter.] [Also, that a letter/memo be sent all big game outfitters notifying them of the Board's action as regards special/controlled hunts.]

Other Board Policies: No further action was taken on Board policies at this meeting. This should be scheduled for a minimum of a three-hour period at the beginning of the next scheduled Board meeting in March.

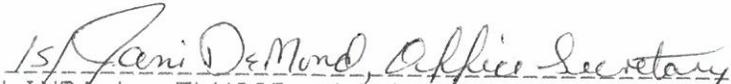
Complaints: The IOGLB reviewed the complaints on file and instructed the Chairman to take necessary action/steps to resolve/answer same.

There being no further Board business, the meeting adjourned at 1730 hours.



WILLIAM R. MEINERS, Chairman of the Board

ATTEST:



LINDA L. ELWOOD, Administrative Secretary