

STATE OF IDAHO
OUTFITTERS AND GUIDES LICENSING BOARD

APPROVED MINUTES

August 23 - 24, 1999

(Key: MSC = Motion made, seconded, carried)

(MSF = Motion made, seconded, failed)

The regular meeting of the Idaho Outfitters and Guides Licensing Board was called to order at 8:30 AM, Monday, August 23, 1999, in the Boardroom, 1365 North Orchard, Boise, Idaho. Board Chairman Diana Swift, and members Wayne Hunsucker, Ray Lyon, and Scott Farr were in attendance. Board member Bill Bernt was absent due to prior job commitments. Also present were Director Dean Sangrey, Education/Law Enforcement Supervisor Bill Vetesy, and Board Counsel Steve Scanlin.

EXECUTIVE SESSION: In accordance with the provisions of §67-2345, Idaho Code, MSC (Lyon-Farr) THAT THE BOARD GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL AND LITIGATION MATTERS. MSC (Farr-Lyon) TO COME OUT OF EXECUTIVE SESSION AT 8:47 PM, WITH NO DECISIONS MADE.

Staff Reports – Dean Sangrey, Executive Director: Personnel – The Director reported on the status of part time and seasonal employees that have been working with the agency since early this spring. As normal this time of the year, the workload has finally tapered off and it will not be necessary to continue the part-time employment arrangement for licensing activities much longer. Job responsibilities will be shifted to provide adequate coverage for completion of routine daily jobs and assignments. The seasonal staff have done a commendable job assisting with license renewals. **Licensing Status** - The Director presented a report on the current status of Board licensing activities. As of August 19, 1999, the office has issued 394 outfitter, 268 designated agent, and 1,815 guide licenses. These totals compare to 391, 249, and 1,681, respectively, for the same period in 1998. **Budget** - Director Sangrey presented an update on the status of the Board's operating budget for FY2000. Expense and revenue projections are on target for the first quarter, and the free fund balance stands at \$217,039 as of the end of July. The proposed budget for FY2001 will be reviewed at a later time during the meeting. **Licensing Review Committee** – The Director reported that plans are proceeding to prepare the licensing system for implementation of a new card-size format for all Board licenses. At present, the goal is to have this capability in place for use this coming winter. **Office Facilities Lease Agreement** – The Director has completed negotiations with the new owners of the office complex for renewal of the Licensing Board lease for another 5 year term. Specialists have researched the excessive noise problem in the boardroom and the landlord has committed to work on minimizing this problem right away. **Steve Ayers** – Since the June meeting the bankruptcy court has ordered Mr. Ayers to relinquish his outfitter business, including all assets, back to the sellers, Rich and Patti Armiger. He had 10 to 12 clients booked for big game and predator hunts and did

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provide a copy of the names of these individuals to the Board office. Armiger's have worked diligently to contact all of the clients and try to provide them with a hunt. Most of these efforts have been successful and they hope to resolve all of them without any problems. **Rising Insurance Costs** – The Board recently received notification of anticipated significant increases in the cost of liability insurance to cover the operations of the Licensing Board. The expected increase in premium between FY2000 and FY2001 will be in the range of 38%, increasing to \$496.00. **Caribou National Forest Resource Management Plan** – The Board has received a scoping notice for revision of the Land and Resource Management Plan for the Caribou National Forest. Comments are requested by October 2, 1999. The Board will review and provide any feedback to the Director. **Division of Human Resources** – Director Sangrey reported on having met with the Administrator for the new Division of Human Resources. An information meeting was held for agency directors and administrators which was informative and helpful.

Steve Scanlin, Board Counsel – Mr. Scanlin updated the Board on the status of the Rich Cook appeal. A hearing has been scheduled in October to consider the issue of establishing appropriate reimbursement charges for the affected clients in the case.

Epley's, Inc., Hearing Considerations – Several procedural issues with regard to the formal review of the Hearing Officers findings in the Epley's Inc., matter were discussed. This issue will come up for consideration later today. **New Board rules and legislative changes** – Mr. Scanlin reviewed the final content of proposed statute and rule changes proposed for consideration during the forthcoming legislative session. This information will be provided to various IDFG, USFS, and IOGA representatives for their information and comment.

Bill Vetesy, Education/Law Enforcement Supervisor: Year-end Report – Mr. Vetesy presented his fiscal year-end report for 1999. A total of 361 licenses were checked; 95 new cases were opened, which included 45 on unlicensed outfitters. Nineteen of those were determined to be unfounded, four warnings and five citations were issued, thirteen cases are still pending and on three the Board had no jurisdiction. Forty-four cases involved licensed outfitters, twenty-seven of those were unfounded, six citations were issued, three were resolved by the outfitters, and eight of them are still pending. The bureau also provided twenty-one verbal warnings and issued fourteen written warnings to licensed outfitters. Over 100 of our cautionary posters on unlicensed outfitting were distributed and posted around the state. Proper management of the budget allowed for the conduct of informational and enforcement patrols throughout the state all year long. An extensive two-week effort was conducted in Chamberlain Basin during the 1999 hunting season. Staff training sessions were conducted for agency staff during the year. These sessions included public relation contacts with outfitters and guides, review of administrative procedures, report writing, identifying patrol areas and investigative follow-up. Research has continued to identify potential law enforcement grant sources, without success. Education workshops were conducted at Nampa High School and Notus High School. During this time period, various operational policies were developed, updated, and distributed to all personnel.

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Jerry Jeppson, Monumental Outfitters: Director Sangrey reported on several letters received from private retailers in the Challis area complaining that Mr. Jeppson had left town without paying some outstanding bills. The Director has written a letter to Mr. Jeppson advising actions of this nature reflect very poorly on the industry for the entire state and encouraging him to contact these businesses immediately and make arrangements to settle the accounts.

Epley's, Inc. – The Director informed the Board of the appointed time to begin review and deliberations regarding the Findings of Fact and Conclusions of Law submitted by hearing officer Jean Uranga in the matter of the hearing for the outfitter license issued to Epley's Inc., dba: Epley's Whitewater Adventures, Ted Epley and Ted Junior Epley, Designated Agents.

EXECUTIVE SESSION: In accordance with the provisions of §67-2345, Idaho Code, MSC (Lyon-Farr) TO GO INTO EXECUTIVE SESSION TO DISCUSS LITIGATION MATTERS. MSC (Lyon-Hunsucker) TO COME OUT OF EXECUTIVE SESSION AT 2:11 PM WITH NO DECISIONS MADE.

Meeting recessed for lunch at 12:30 PM and reconvened at 1:40 PM with all members except Bill Bernt present.

Epley's, Inc. – Having concluded deliberations into the Findings and Fact and Conclusions of Law in the aforementioned matter, MSC (Farr-Lyon)(Unanimous) THAT THE BOARD 1) ADOPTS THE HEARING OFFICER'S FINDINGS OF FACT IN THE MATTER OF THE OUTFITTER LICENSE ISSUED TO EPLEY'S, INC., dba EPLEY'S WHITEWATER ADVENTURES, TED EPLEY AND TED JUNIOR EPLEY, DESIGNATED AGENTS; 2) ADOPTS THE CONCLUSIONS OF LAW EXCEPT FOR THOSE RELATING TO PARAGRAPH TWO OF THE COMPLAINT; 3) FINDS THAT THE RESPONDENT FAILED TO PROVIDE AND UTILIZE ADEQUATE EQUIPMENT AND GEAR WHICH MEETS MINIMUM STANDARDS OF PUBLIC ACCEPTABILITY. THE RESPONDENT FAILED TO PROPERLY UTILIZE EQUIPMENT BY TYING CHILDREN INTO A SADDLE, BY STRINGING TOGETHER HORSES IN A TRAIL RIDE AND BY FAILING TO UTILIZE APPROPRIATE EQUIPMENT FOR CHILDREN. AS A RESULT OF THESE ACTIONS, THE RESPONDENT FAILED TO PROVIDE PROPER AND ADEQUATE OUTFITTING AND GUIDING SERVICES TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC. A FURTHER RESULT OF THESE ACTIONS WAS THE DEATH OF A FIVE YEAR OLD CLIENT OF THE OUTFITTER; AND 4) ORDERS THAT THE OUTFITTER LICENSE ISSUED TO EPLEY'S, INC., dba EPLEY'S WHITEWATER ADVENTURES, TED EPLEY AND TED JUNIOR EPLEY, DESIGNATED AGENTS, TO OPERATE ACTIVITIES INVOLVING HORSES IS, AND THE SAME IS HEREBY REVOKED AS OF THE END OF THE CURRENT LICENSE YEAR (MARCH 31, 2000). IN THE INTERIM, THE LICENSE ACTIVITIES INVOLVING HORSES ARE HEREBY IMMEDIATELY SUSPENDED

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UNTIL THAT TIME. ADDITIONALLY, THE RESPONDENT WILL BE IMPOSED THE ADMINISTRATIVE COSTS OF BRINGING THIS ACTION BEFORE THE BOARD, INCLUDING, BUT NOT LIMITED TO, ATTORNEY'S FEES AND COSTS OF HEARING TRANSCRIPTS, NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000).

John Beecham, IDFG: Mr. Beecham appeared before the Board to present a report on the recently completed controlled hunt application process conducted jointly by the Department and the Licensing Board. Also present for the discussion were Allocation Team member Darl Allred and IOGA representatives Grant Simond and John Watts. The overall results were generally favorable in that each outfitter identified as eligible to receive a distribution of allocated tags was able to acquire those allocations. Certain parts of the initial instructions provided to the outfitters on how to access the tags, what documentation to prepare and submit, when submissions should be completed, etc., were not completely clear nor timely. These inconsistencies caused significant hardship for several outfitters, but as a result of continued coordination between the Board and representatives from the IDFG and the IOGA, satisfactory procedures were implemented to allow all clients booked under the intent of the program to acquire their tags. Several obvious modifications to the coordinated procedures between the agencies have been identified and discussed which will be changed for the year 2000 process. Director Sangrey also reported on the results of the second year of the allocation process in the Lolo Zone. All effected outfitters were advised of their individual allocation for 1999 and the procedure seemed to work well. According to the latest information available to the Board, approximately 54 of the Lolo tags were not used by the outfitters and were returned to the IDFG for general sale.

Darl Allred, Sawtooth Wilderness Outfitters: Mr. Allred appeared before the Board for a follow-up discussion from the June Board meeting regarding the status of several amendment requests the Board is evaluating. The Director explained that work has continued on the proposals since June, although the staff's schedule did not allow for a lot of time to devote to these applications in recent weeks. As soon as the necessary work associated with the completion of this Board meeting is concluded all available resources will be focused on completing the evaluation necessary to conclude the issues associated with Mr. Allred's amendments. Director Sangrey told the Board he hoped that most, if not all, of this work would be completed prior to November 1.

Non-use Reporting and Determinations: The Director informed the Board that research was recently completed on a review of reported use on all stretches of the Clearwater River and several non-use situations have been identified. The staff will proceed with a detailed analysis of this information and prepare recommendations to resolve any actual non-use situations. At the conclusion of this discussion, the Director requested the Board consider delegating authority to him to act immediately on any situations that require a formal Board hearing. MSC (Lyon-Hunsucker) TO
AUTHORIZE THE EXECUTIVE DIRECTOR TO EVALUATE USE RECORD

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REPORTS AND SET APPROPRIATE HEARINGS BEFORE THE BOARD TO RESOLVE ANY DISPUTED ISSUES.

Meeting recessed at 6:00 PM and reconvened at 8:00 AM, Tuesday, August 24, 1999, with all members present except Bill Bernt.

Matt Ferris, Guide License Application: The Board reviewed the guide license application submitted by Mr. Ferris for employment with Wild Idaho Outfitters, noting his conviction in 1998 for violation of IDFG hunting laws. The incident involved a wasted bull elk that was harvested by Mr. Ferris during a private hunt in October, 1998. The Board contacted IDFG conservation officer Mark Armbruster and discussed details of the incident with him. At the conclusion of this discussion, MSC (Lyon-Hunsucker) TO DENY THE 1999-2000 GUIDE LICENSE APPLICATION SUBMITTED FOR MR. MATT FERRIS.

Richard Lockwood and Todd Black: Mr. Lockwood and Mr. Black appeared before the Board to discuss their ideas about trying to develop an upland game bird outfitted hunting business in southeast Idaho in the vicinity of Preston, Idaho, north of Logan, Utah. They are involved in managing private land holdings in northern Utah for recreational hunting endeavors and it would be a natural extension of some of those activities if they could be offered over the stateline in Idaho on contiguous pieces of property. They had already visited with Director Sangrey regarding basic licensing requirements and are aware of the standard requirement for a shooting preserve permit from the IDFG in order to be considered for an outfitter license. Following a thorough discussion with the Board regarding numerous aspects of this type of operation, they concluded they would proceed immediately to complete the outfitter license application process and also try to acquire an appropriate permit from the IDFG.

Fred Dauber, District Ranger, Krassel Ranger District: Mr. Dauber came before the Board to discuss several agency and Board related issues. **Big Creek Lodge** – The Board and the Forest Service have been reviewing an amendment request from Big Creek Lodge to add limited big game hunting authority for them to conduct outfitted hunts in the immediate vicinity of the Lodge. Their proposal primarily would focus on disabled individuals wanting to go on a hunt but not capable of traveling into the more remote areas available under their present license. The Lodge would also plan to take a few late hunts in this area after the first of November. The Board plans to continue with their review of the application and will coordinate with the Forest Service. **T. Avery Flyfishing Outfitters** – Concerns about the general operations of T. Avery Flyfishing Outfitters, Tuck Miller, Designated Agent, were discussed with the Board. The Krassel Ranger District is concerned about where T. Avery Outfitters is taking some of their clients for fishing trips, such as on portions of the South Fork of Salmon River and on Big Creek. The Board has been working for some time on an amendment to add an extensive list of additional streams and lakes to their license. Earlier this summer approval was received from the IDFG to add these various waters, but some concerns

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were expressed by other outfitters about the amount of activity on Big Creek. And the Krassel Ranger District is also concerned because T. Avery Outfitters is not permitted to conduct trips on the South Fork of the Salmon River or on Big Creek. Mr. Dauber concurred with the Directors suggestion that everyone involved with this matter needs to meet and review what steps need to be taken to finalize permit and license actions to ensure compliance with all regulations and laws. Mr. Dauber and the Director will try to set a meeting in September. **Quentin Selby** – At the conclusion of the June Board meeting the Director formally contacted the Payette and Boise National Forests and the IDFG regarding the potential review of licensing and permitting opportunities in the former Quentin Selby operating areas. His activities were conducted in portions of IDFG Mgmt Units 24 & 25. Both National Forests and the IDFG have agreed it would be timely to discuss what possibilities might be viable for portions of this former operating area and they will try to organize a meeting for sometime this fall. **Epley's Inc.** – The Board reviewed the Decision and Final Order in the Epley matter with Mr. Dauber. The Payette National Forest determined several years ago that because of past performance problems they had experienced with Mr. Epley, they would not renew the special use permit for land-based activities for him. Based on the Board's decision to revoke that portion of Mr. Epley's licensed activities dealing with horses at the end of the current license term, Mr. Dauber asserted there is no reason to expect that their office will change its position regarding the use permit. If a potential sale of the business is proposed to the Licensing Board they will initiate joint consideration of the proposal with the appropriate Forest Service office.

Trish MacInnis, Alan Millar, Northwest Academy and Rocky Mountain Academy: Ms. MacInnis and Mr. Millar appeared before the Board to discuss their educational and therapeutic programs and how they relate to the Idaho outfitter licensing process. Both Rocky Mountain Academy and Northwest Academy presently have outfitter licenses with the State of Idaho. The licenses cover elements of their programs dealing with hiking, climbing, backpack trips, snowshoeing, and mountain bike tours. One regulatory area they are concerned about is cross country skiing and back country alpine skiing because it is quite difficult and time consuming to initially qualify and maintain an adequate number of qualified guides to help provide these services to students. And they are also concerned about how these qualifications relate to snowshoeing activities. Mr. Millar also reviewed an updated program for certifying qualified ski guides thru PSIA (Professional Ski Instructors of America) for these types of programs. He has been very instrumental in helping to develop this program although it is not very widespread yet. Current Board rules require a minimum level of certification from PSIA for backcountry winter skiing activities but the certification program through PSIA has been almost non-existent for several years. Director Sangrey explained that snowshoeing activities are routinely licensed by the Board and are classified as backpacking or day hike type excursions.

Sandwiches were brought in and the Board continued with routine work assignments through the lunch hour.

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Joe Hudson and Bill Gooseman, Moose Creek Ranger District: Mr. Hudson and Mr. Gooseman appeared before the Board to provide a status report on the environmental assessment the District is striving to complete on the former outfitter area licensed to Richard Norris. They informed the Board that the assessment is not completed yet but that it should be ready for general distribution sometime in October. The Board asked again that they be provided with a copy of the final draft as soon as possible and prior to distribution to the general public. The Board also discussed their ongoing concerns regarding what the preferred alternative would be and how it would effect the overall potential operations of a new licensee. Issues such as camp numbers and locations, impact on historic use allocation numbers, limitations placed on numbers of clients and harvest restrictions, are some of the areas in which the Board wants to have input.

Controlled Hunt Policy # 99-01: Steve Scanlin presented a draft copy of a controlled hunt policy for Board review. The suggested policy commits to writing an ongoing procedure that has been applied to license approval procedures for a number of years. Following a thorough discussion of the issue, MSC (Farr-Lyon) TO ADOPT THE POLICY AS PRESENTED.

Ken Price, dba: Grand Teton Crest Outfitters: Mr. Price had requested an appointment with the Board during this meeting to discuss his current outfitter license application which he submitted to the Board office just prior to the June meeting. His proposal was for hunting and recreational activities to be conducted in portions of IDFG Mgmt Units 60, 61, 62, 62A, and 64. His operating plan indicates he intends to purchase two existing outfitter businesses for hunting and trailride type activities, and also to acquire the assets from a former licensed outfitter for the conduct of snowmobile tours. Various questions remain as to exactly what purchases have been completed and what approvals can be obtained from the land managers for these special use permits. These are the issues that need to be reviewed and resolved with Mr. Price and are the reason for his appointment. His attorney contacted the Board office on August 23 and advised Mr. Price would have to cancel his scheduled appointment and try to make arrangements to attend the December meeting.

June 1999 Board Meeting Minutes: The Board reviewed the draft of the Board minutes from the June, 1999, meeting. At the conclusion of this review, MSC (Farr-Hunsucker) TO APPROVE THE MINUTES AS PRESENTED.

Probationary Licenses: The following probationary licenses (probationary term expiration) were approved and issued by the Director since the June meeting: **Brian Luthy** (3-31-2000), **Matt Handy** (7-2-2001), **Nathan Monschke** (3-31-2001), **David Shillinger** (3-31-2000), **Homer Brown** (3-31-2001). Following this review with the Board, MSC (Farr-Hunsucker) TO APPROVE THESE DECISIONS AND ACTIONS BY THE DIRECTOR.

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Pinehaven Subdivision Planning Board: The Board reviewed an informational copy of a letter sent to the licensed outfitters on the Henry's Fork from the Pinehaven Planning Board in Island Park, Idaho. The letter informed the licensees of plans for more aggressive enforcement of the subdivision covenants, especially as they relate to use of dock and launch facilities on the river by commercial outfitters. Apparently that type of activity is specifically prohibited without authorization and the Planning Board has put all the outfitters on notice that they must stop using the facilities in this manner. The Board suggested the Director acknowledge the action the Planning Board has taken and inquire as to whether they have properly marked the property to support this action.

Mike Dee Angell: The Board reviewed a formal request from Mike Angell that his outfitter license be approved for non-use for the 1999-2000 season. He was severely injured in 1998 and his recovery is not progressing well. At this time he feels he will probably not continue with operations of his business and has put it up for sale. In the interim, however, he requested that his insurance requirements be waived for this year and that he be approved for non-use. Following a discussion, MSC (Lyon-Hunsucker) TO APPROVE THE REQUEST OF MIKE DEE ANGELL FOR NON-USE FOR THE 1999-2000 LICENSE YEAR AND THAT HIS INSURANCE AND BONDING REQUIREMENTS BE WAIVED FOR THIS PERIOD.

Joe Lindsay: Director Sangrey reported on a letter the Board received from IDFG Conservation Officer Paul Valcarce reporting that he observed licensed guide Joe Lindsay, completely naked, rowing a company boat for Mackay Wilderness River Trips into the launch facilities at Indian Creek on the Middle Fork of the Salmon River. Mr. Valcarce noted that he feels this is unacceptable conduct for an individual licensed in the state of Idaho. After reviewing this information and discussing the matter, MSC (Farr-Lyon) TO CITE MR. LINDSAY BEFORE THE BOARD FOR A SHOW CAUSE HEARING DURING THE DECEMBER BOARD MEETING.

John Abatti: The Director reported on his decision to approve a request from John Abatti for non-use during the 1999-2000 season. Mr. Abatti reported that he had run into delays in getting his special use permit approved by the BLM and without the permit he has not been able to do any advertising. Their bed and breakfast and ranch facility is off the beaten path east of Challis and he doesn't believe it will be possible to generate any business for this year at this late date. The Board concurred with the Director's actions in this regard. **Note:** The Board has subsequently learned that Mr. Abatti passed away on July 25, 1999. Appropriate action is being taken to facilitate transfer of this sole proprietor outfitter license to Carol Abatti, his wife.

Proposed FY2001 Budget: The Director presented the proposed operating budget for Licensing Board operations for fiscal year 2001 which begins July 1, 2000. The total budget is proposed at \$431,700, which represents an increase of 5.42% over the previous year. The majority of the difference involves mandated increases dealing with inflation, governor's recommended salary increases, benefit and insurance costs, and purchases of

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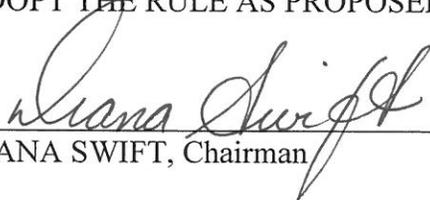
new and replacement equipment. The Director is also proposing that the Board budget for an additional permanent part-time position to work in the clerical and administrative area. Daily operations of the office easily support the need for additional permanent staffing to handle the workload. Following this presentation and numerous questions about details of the budget, MSC (Lyon-Farr) TO ADOPT THE PROPOSED FY2001 BUDGET AS PRESENTED.

The next regularly scheduled meeting of the Licensing Board will held on November 30, and December 1 & 2, 1999, in Boise.

With no further business to come before the Board, the meeting was adjourned at 4:50 PM.

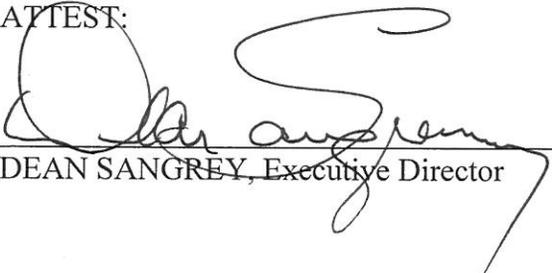
SPECIAL MEETING

Rules Adoption - A special meeting of the Licensing Board was called to order at 9:00 AM, Thursday, September 30, 1999, at the Board room in Boise. Present were Board Chairman Diana Swift by telephone from Wapiti Meadow Ranch, Board members Ray Lyon and Scott Farr, Executive Director Dean Sangrey and Board Counsel Steve Scanlin. Two rule amendment proposals were reviewed for final adoption after publication in the Administration Bulletin and notice to the public. There were no comments received during the comment period. The first docket of proposed rule changes addressed four changes dealing with: authorizing boat training on specific reaches of different river sections rather than the whole section in certain situations; extending the period of time from 24 to 60 months required to maintain the currency of lead boatman status on classified rivers; reduction in the maximum number of float boat operators authorized on the SA4B section of the Salmon River from 10 to 8; and, creation of a new rule establishing procedures for processing amendment requests for outfitter and guide licenses. Following review and discussion, MSC (Lyon-Farr) TO ADOPT THE RULE AS PROPOSED. The second docket has to do with authorization for float boating activities on a section of the Boise River from the city limits of Garden City downstream to the city limits of Caldwell, Idaho. This proposal will allow for a maximum of two operators on this section of the river. Following discussion, MSC (Lyon-Farr) TO ADOPT THE RULE AS PROPOSED. The meeting was adjourned at 9:35 AM.



DIANA SWIFT, Chairman

ATTEST:



DEAN SANGREY, Executive Director