

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD November 9-13, 1987

Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board convened at 0825 hours on Monday, November 9, 1987 with all members present.

Matters of Litigation: MSC (Baird-Miller; "Aye" votes received from all Board members) THAT THE BOARD GO INTO EXECUTIVE SESSION PURSUANT TO THE PROVISIONS OF IDAHO CODE 67-2345 TO DISCUSS POSSIBLE LITIGATIVE MATTERS. The Board went into Executive Session at 0835 hours and came out of Executive Session at 0935 hours with no formal action being taken.

Cal Stoddard: The Board reviewed the material at hand relative to alleged illegal outfitting activities by Mr. Stoddard, following which MSC (Vaughn-Crane; Baird abstained) THAT THE CHAIRMAN COMPILE A CHRONOLOGICAL STATEMENT OF ACTIVITIES RELATIVE TO MR. STODDARD'S LICENSING AS AN OUTFITTER AND GUIDE TOGETHER WITH THE INFORMATION FROM THE IDAHO DEPARTMENT OF FISH AND GAME REGARDING THE OBTAINING OF NONRESIDENT LICENSES AND TAGS WITH SUCH CHRONOLOGICAL STATEMENT SUBMITTED TO THE LEMHI COUNTY PROSECUTING ATTORNEY WITH THE REQUEST THAT HE TAKE THAT ACTION HE DEEMS APPROPRIATE TO RESOLVE THE MATTER. FURTHER, THAT ADDITIONAL INVESTIGATION BE MADE REGARDING THE POSSIBLE THIRD PARTY ARRANGEMENTS MADE WITH SALMON RIVER LODGE/DAVE GILES, MANAGING AGENT.

Dan Chadwick: The Board met with Mr. Chadwick on a get-acquainted basis since he has been assigned as the Board's attorney replacing Steve Schuster. Matters discussed were response to Jerry Meyers, Cal Stoddard's attorney, regarding the alleged activities by Mr. Stoddard, as well as pending legislative proposals that Mr. Chadwick will finalize and forward to the Governor's office for inclusion in the legislative package.

Greg Johnson: Mr. Johnson is an officer with the Idaho Department of Fish and Game from Bonners Ferry, Idaho, who met with the Board to discuss the outfitter application filed by Gary and Janet Sylte dba Coeur d'Alene River Outfitters. Mr. Johnson provided the Board with some intelligence relative to Mr. Sylte's activities in the area for its consideration in evaluation of his application.

The Board recessed for lunch at 1215 hours and reconvened at 1325 hours.

Board Budget: The Board reviewed and reconsidered its 1989 budget submission, specifically the proposed deletion of the fourth FTE [Administrative Secretary] position from its personnel roster in accordance with Budget and Legislative Development Manual instructions, p. 18, following which the Board directed the Chairman to contact the Board's Legislative Analyst to convey the Board's desire to keep the FTE position to re-classify same to an exempt position as "Enforcement Coordinator" to facilitate/accommodate a more efficient and effective enforcement program.

Bill Hearold/Leo Jarvis: Messrs. Hearold and Jarvis met with the Board concerning the proposed sale of business from Mr. Jarvis to Mr. Hearold of Sawtooth Wilderness Outfitters. Following an interview before the Board on this matter, MSC (Vaughn-Miller) THAT THE PROPOSED SALE AND TRANSFER OF BUSINESS BE APPROVED PENDING: (1) SUBMISSION OF AN AMENDMENT TO THE SALES CONTRACT FROM MR. JARVIS INDICATING THAT UPON CONSUMMATION OF THE SALE, HE SHALL HAVE NO FURTHER INTEREST IN THE BUSINESS; (2) SUBMISSION TO THE BOARD OF A LEASE AND/OR RENTAL AGREEMENT SIGNED BY MR. AL LOCKETT CONCERNING THE CONTINUED USE OF THE FACILITIES FOR BASE HEADQUARTERS AT SAWTOOTH LODGE; (3) AND OTHER PAPERWORK, NAMELY FEE, BOND, AND FICTITIOUS NAME CERTIFICATE.

John V. Rose: The Board reviewed the file concerning Mr. Rose's scheduled suspension/revocation hearing of his outfitter license, following which MSC (Vaughn-Baird) THAT THE BOARD RESCIND ITS PRIOR ACTION UPON ADVICE OF ITS ATTORNEY AND THAT A LETTER BE SENT TO MR. ROSE ADVISING HIM OF SAID BOARD ACTION, WITH A COPY OF SAID LETTER BEING SENT TO THE FOREST SERVICE AT MOOSE CREEK.

Donald Wilson: The Board reviewed the file on this matter together with its attorney's recommendation that the show cause for revocation/suspension of Mr. Wilson's outfitter license be placed before an independent hearing officer, following which MSC (Miller-Vaughn; Crane abstained) THAT THE BOARD ACCEPT ITS ATTORNEY'S RECOMMENDATION AND THAT SAID HEARING OFFICER BE RETAINED FOR THE HEARING.

David Powers: The Board reviewed the file regarding Mr. Powers' show cause hearing for suspension/revocation of outfitter license and the suggestion by the Board's attorney that this hearing be placed before an independent hearing officer, following which MSC (Vaughn-Baird) THAT THE BOARD ACCEPT ITS ATTORNEY'S RECOMMENDATION THAT THIS HEARING BE ASSIGNED TO AN INDEPENDENT HEARING OFFICER.

Dave M. Hiatt: The Board reviewed Mr. Hiatt's guide license application to note his Fish and Game violation and conviction, following which MSC (Baird-Vaughn) THAT MR. HIATT'S GUIDE LICENSE APPLICATION BE APPROVED PROBATIONARY WITH THE CONDITION THAT HE NOT VIOLATE ANY FEDERAL, STATE, OR LOCAL LAWS DURING THE TERM OF HIS PROBATION AND FURTHER ADVISED THAT HIS LICENSE CANNOT BE AMENDED DURING SAID PROBATIONARY PERIOD.

William R. King: The Board reviewed Mr. King's guide license application to note that he had been denied a guide license in September 1986 for conviction of Fish and Game violation and answering "no" on guide license application. The Board notes further that on his 1987-1988 guide license application, Mr. King again denies having violated Idaho Fish and Game law. Following this review, MSC (Miller-Crane) THAT MR. KING'S LICENSE BE DENIED IN ACCORDANCE WITH THE PROVISIONS OF IDAHO CODE 36-2109(c) AND 36-2113(a)(1&6). A COPY OF THE DENIAL LETTER TO BE SENT TO MR. KING'S EMPLOYING OUTFITTER, GLADYS YORK.

Bradley L. Beach: The Board reviewed Mr. Beach's guide license application to note his falsification and alteration of the Multimedia Standard First Aid card, following which MSC (Vaughn-Crane) THAT MR. BEACH'S 1987-1988 GUIDE LICENSE BE DENIED IN ACCORDANCE WITH THE PROVISIONS OF IDAHO CODE 36-2109(c) AND 36-2113(a)(1&14). A COPY OF THE DENIAL LETTER TO BE SENT TO MR. BEACH'S EMPLOYING OUTFITTER, RICHARD ARMIGER.

Tom Schirle: The Board reviewed Mr. Schirle's guide license application, noting the conviction for violation of Idaho Department of Fish and Game law, following which MSC (Vaughn-Crane) THAT MR. SCHIRLE'S 1987-1988 GUIDE LICENSE APPLICATION BE DENIED IN ACCORDANCE WITH THE PROVISIONS OF IDAHO CODE 36-2109(c) AND 36-2113(a)(1&6). A COPY OF THE DENIAL LETTER TO BE SENT TO MR. SCHIRLE'S EMPLOYING OUTFITTER, GORDON FROST dba WARM SPRINGS OUTFITTERS.

Donald L. Howard: The Board reviewed Mr. Howard's guide license application noting his conviction for violation of Idaho Fish and Game law, following which MSC (Baird-Vaughn) THAT MR. HOWARD'S 1987-1988 GUIDE LICENSE BE ISSUED PROBATIONARY WITH THE CONDITION THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS DURING THE LICENSE PERIOD AND THAT HE BE ADVISED HIS LICENSE CANNOT BE AMENDED DURING SAID PERIOD. RAY COX dba TROUT CREEK OUTFITTERS, HIS EMPLOYING OUTFITTER, TO BE SENT A COPY OF THE PROBATIONARY LETTER.

Ted Epley & Cutler Umbach: The Board reviewed Mr. Epley's file concerning his requested amendment to his outfitter license for conduct of trailrides on certain trails within the McCall District of the Payette National Forest along with the various letters by and between the Board and the Forest Service regarding this matter, following which the Board directs that a letter be addressed to Mr. Stan Tixier, Regional Forester at Ogden, asking his review and guidance in his position as liaison by and between the Board and the Chief regarding outfitting matters on national forest lands as to how to resolve this apparent conflict regarding the licensing and permitting of outfitted activities on national forest lands; specifically, Ted Epley's request and the proposed evaluation of other outfitters' activities in the high mountain lakes in the McCall District. Copies of this letter should be sent to the Supervisor of the Payette National Forest, District Ranger on the McCall Ranger District, the Congressional delegation, as well as Ted Epley and Jim Thrash. Further, that the Board direct a similar letter to the Regional Forester regarding the special use permit issued to Cutler Umbach by the Payette National Forest without prior Board coordination in accordance with the Memorandum of Understanding.

Philip M. Krueger dba RamsHorn Guest Ranch: The Board reviewed the file concerning this matter, following which it was the Board's position that in accordance with the events which have taken place and are recorded in the file, at this point in time no further Board action seems appropriate until or unless the Board receives further indication that the material contained within the file is in error.

David L. Whitworth dba Hammerhead Outfitters: The Board reviewed Mr. Whitworth's file with particular attention to the letter received from Gerald D. Tower, District Forest Ranger of the Pocatello Ranger District/Caribou National Forest, dated October 16, 1987 in which Mr. Tower notifies the Board that contrary to the understanding by and between the Forest Service, the Board, and Mr. Whitworth that he would perfect his special use permit in accordance with Board direction and by letter of August 10, 1987 that the Forest Service would issue a special use permit upon the Board's issuance of an outfitter license to Mr. Whitworth, that Mr. Whitworth has not so lived up to his commitment to obtain the necessary forest service permit. It is, therefore, the Board's position that Mr. Whitworth's file be flagged and the no 1988-1989 license application be processed until such time as the Board again reviews the file in this matter. The Board further directs that a letter be addressed to Mr. Whitworth advising him that the Board has no intention of renewing his 1988-1989 outfitter license until such time as he submits appropriate evidence that the Forest Service has issued a special use permit for the conduct of his outfitted activities.

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Ralph L. Hatter: The Board reviewed Mr. Hatter's file and outfitter license application following the conclusion of research on this matter. MSC (Baird-Vaughn) THAT MR. HATTER BE GRANTED A LICENSE WITH THE FOLLOWING RESTRICTIONS: (1) THE LICENSE BE VALID ONLY AS LONG AS THE LAND SO LICENSED REMAINS IN PRIVATE OWNERSHIP; (2) THE ACTIVITY BE LIMITED TO NOT MORE THAN EIGHT (8) HUNTERS PER YEAR WITH SUCH ACTIVITY TO OCCUR ONLY DURING THE LATE WHITE-TAIL DEER SEASON; (3) THE AREA OF OPERATION BE LIMITED TO THAT AREA DESCRIBED IN THE HUNTING LICENSE AGREEMENT PROVIDED BY MR. HATTER; AND (4) THE LICENSE BE VALID ONLY AS LONG AS SAID HUNTING LICENSE AGREEMENT REMAINS IN EFFECT. [See Addendum #1]

The Board recessed at 1700 hours and reconvened on Tuesday, November 10, 1987 at 0830 hours with all Board members present.

Martin Capps/Ron Bloxham: Messrs. Capps and Bloxham met with the Board to discuss the proposed sale and transfer of Mr. Capps' SA3 float boat business on the Salmon River to Mr. Bloxham, following which MSC (Miller-Vaughn) THAT THE PROPOSED SALE BE APPROVED AND LICENSE ISSUED PENDING THE RECEIPT OF THE OUTFITTER AMENDMENT REQUEST FORM [OG-2] PROPERLY COMPLETED BY THE BLM WITH APPROVAL OF SAID PROPOSAL AND TRANSFER OF BUSINESS.

Minutes: The Board reviewed the Minutes for the August 31-September 4, 1987 meeting, following which MSC (Miller-Crane) THAT SAID MINUTES BE APPROVED AS CORRECTED.

The Devils Bedstead Ranch: The Board reviewed the file concerning the proposed limitation of hunters recommended at the time of transfer of business from Mr. Gardiner to The Devils Bedstead Ranch. Upon licensing, this limitation was overlooked due to the fact that files were in court at that point in time. MSC (Baird-Vaughn) THAT THE BOARD IMPOSE A TWENTY-FIVE (25) HUNTER-DAY LIMITATION ON THE DEVILS BEDSTEAD RANCH IN ACCORDANCE WITH THE RECOMMENDATIONS FROM THE IDAHO DEPARTMENT OF FISH AND GAME. FURTHER, THAT THIS AMENDMENT SHOULD BE APPLICABLE TO THE 1988-1989 LICENSE AND BE DONE ADMINISTRATIVELY. AND, FURTHER, THAT THE DEVILS BEDSTEAD RANCH BE ADVISED OF THE BOARD'S INTENTION IN THIS MATTER.

Olin Gardner: Following an interview before the Board with Mr. Gardner concerning his proposed being licensed as a sole proprietor outfitter independent of his current Idaho Guide Service, Inc. license, the Board directs that Mr. Gardner's application be held pending his resolution of dispute between himself and Mr. Powell as to the status of the Idaho Guide

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Service, Inc. license and that Mr. Gardner's application for the requested areas and activities be placed on the consideration list for future action at such time as his dispute with Mr. Powell is resolved.

Terry Jones: Mr. Jones and Mr. Davis of Sawtooth Expeditions met with the Board regarding the approval of Mr. Jones becoming the Managing Agent for Sawtooth Expeditions, following which MSC (Miller-Baird) THAT SAID LICENSE BE ISSUED FOR MR. JONES TO BE THE NEW MANAGING AGENT.

S. C. Buttram: The Board again reviewed the S. C. Buttram file, following which it directs that a letter be addressed to Mrs. Buttram advising her that: (1) in accordance with Board letter of July 2, 1987 the Board has not received an application from a qualified purchaser of the S. C. Buttram business who has resolved the problem of securing a special use permit from the U.S. Forest Service, Priest Lake Ranger District, headquartered at Route 5, Box 207, Priest River, Idaho 83856; (2) the Board is concerned of the time taken to resolve this problem and establishes a deadline of March 31, 1988 at which time a successful purchaser of the S. C. Buttram business must be secured and approved by both the Board and the Forest Service; and (3) if a licensee is not secured who meets the above criteria, the S. C. Buttram license shall be declared null and void.

Antelope Valley Outfitters, Inc.: The Board reviewed the outfitter application from Antelope Valley Outfitters, Inc. to note that a major portion of the area requested is licensed to other outfitters and directs that a letter be addressed to Mr. Smith advising him of this fact and further advising him that it has not completed the research on the remaining portion of the requested area but that, in view of the fact that the Board does not stack outfitters, he will not be licensed to that portion of his requested area lying north and west of Antelope Creek he might wish to, therefore, reconsider his application.

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

USFS Meeting: A report was given by Ron Vaughn regarding the meeting he attended in behalf of the Board at Grangeville with the Forest Service and the NezPerce group of outfitters regarding Forest Service inspection criteria for outfitting camps. This is a matter for information with the inspection form and procedures further to be discussed in detail at the Idaho Outfitters and Guides Association and Inter-Agency meetings in December.

A. W. Angell: The Board conducted a nonuse hearing for suspension/revocation of Mr. Angell's license. A decision is postponed until such time as the Board's attorney has opportunity to review a recent Supreme Court decision relative to rules-making with recommendation to the Board regarding same.

The Board recessed at 1714 hours and reconvened on Wednesday, November 11, 1987 at 0830 hours with all Board members present.

Steve Schuster: Let the record show that the Board directs that a letter be addressed to State Attorney General Jim Jones to express its pleasure in having had the opportunity of working with Steve Schuster and further to express its appreciation for the good work that Mr. Schuster has done and the cooperation received from the Attorney General's office in addressing Board matters of concern.

David J. Odell: The Board reviewed Mr. Odell's file noting the citation he has received for illegal outfitting and further noting his amendment request to be licensed for float boating activities on the Salmon River [SA4B & SA5] and further noting his guide license status with Ed Link. Following a discussion of this matter, MSC (Baird-Vaughn) THAT MR. ODELL AND MR. LINK OF NORTHWEST RIVER EXPEDITIONS, INC. AND SCOTT OWNSBY OF THE SAME BUSINESS BE NOTICED IN FOR A SHOW CAUSE HEARING AS TO WHY THEIR GUIDING AND OUTFITTING LICENSES SHOULD NOT BE REVOKED FOR ILLEGAL OUTFITTING ACTIVITIES AND POSSIBLE THIRD PARTY ARRANGEMENTS NOT WITHIN THE SCOPE OF THE OUTFITTERS AND GUIDES ACT PURSUANT TO THE PROVISIONS OF 36-2104 AND BOARD RULE AND REGULATION NO. 21. FURTHER, THAT THE AMENDMENT REQUEST OF MR. ODELL BE TABLED PENDING THE OUTCOME OF SAID FOREGOING SHOW CAUSE HEARING.

Tony Latham/Steve Settles: The Board reviewed the file regarding the proposed sale and transfer of business from Mr. Latham to Mr. Settles, noting that everything appears to be in order except that there is no tangible evidence of physical assets being transferred, following which MSC (Miller-Baird) THAT THE BOARD APPROVE THE BUSINESS SALE AND TRANSFER TO MR. SETTLES PENDING THE RECEIPT OF EVIDENCE OF PHYSICAL ASSETS AND AUTHORIZES THE CHAIRMAN TO REVIEW SAME UPON RECEIPT WITH ISSUE OF LICENSE THEN MADE IF EVERYTHING APPEARS TO BE IN ORDER. FURTHER, THAT A LETTER BE ADDRESSED TO MR. LATHAM SO NOTING THE BOARD'S ACTION IN THIS REGARD AND ASKING HIS IMMEDIATE ATTENTION REGARDING THE NECESSITY OF HAVING SOME FORM OF PHYSICAL EVIDENCE TRANSFERRED, SUCH AS CLIENT LIST AND/OR EQUIPMENT.

Jeff Peavey dba Northwest Voyageurs: The Board reviewed the file and Mr. Peavey's amendment requests: one for the conduct of elk and deer hunting and one for the conduct of mountain bike

touring, following which MSC (Baird-Vaughn) THAT THE AMENDMENT REQUEST FOR ELK AND DEER HUNTING BE DENIED IN ACCORDANCE WITH THE PROVISIONS OF 36-2109(b)(4&5) AND BOARD RULE AND REGULATION NO. 19.f. FURTHER, THAT MR. PEAVEY'S AMENDMENT REQUEST FOR MOUNTAIN BIKE TOURING BE HELD PENDING THE CONTACT OF AFFECTED OUTFITTERS AS TO THE IMPACT HIS REQUEST WOULD HAVE ON THEIR OPERATIONS FOR CONSIDERATION AT THE DECEMBER BOARD MEETING.

Proposed Rules-Making: The Board reviewed the file in this matter, following which it directs that the Board's action regarding proposed rules be as follows: (1) proposed rules-making be delayed until the legislature makes known its intent regarding the proposed legislative changes as submitted to it by the Board regarding various matters which would, in effect, necessitate proposed rules to be implemented if passed. Thus, the date for said proposed rules-making is scheduled to occur after April 1, 1988; (2) regarding the petition for amendment of Rule 57 of the Rules and Regulations of the Outfitters and Guides Board as submitted by Teton Valley Lodge, Inc., MSC (Miller-Baird) THAT THIS PETITION BE ACCEPTED AND THAT THE BOARD GO TO RULES-MAKING ON THIS PETITION WITH NO RECOMMENDATION; and (3) other matters of rules-making be continued to be explored for Board review and presentation to the public at the Idaho Outfitters and Guides Association spring meeting in April.

U.S. Coast Guard: The Board reviewed the U. S. Coast Guard's regulations and USCG/Board agreement regarding the licensing of operators on Idaho's rivers and lakes. Following a discussion of this matter, MSF (Miller-Vaughn) THAT THE BOARD TABLE THIS MATTER UNTIL SUCH TIME AS THE COAST GUARD HAS BEEN IN CORRESPONDENCE WITH IT REGARDING FINE-TUNING OF THE REGULATIONS THAT THEY ARE WANTING TO PROPOSE. A roll call vote was called for: Miller - "Aye"; Vaughn - "No"; Crane - "No"; Baird - "No"; and Meiners - "No". Upon reconsideration of this matter, MSC (Baird-Crane) THAT THE BOARD ACTION TAKEN AT ITS JULY 10-13, 1985 MEETING REGARDING THE AGREEMENT WITH THE U.S. COAST GUARD REQUIRING A COAST GUARD LICENSE PRIOR TO THE BOARD'S ISSUING A POWER BOAT GUIDE LICENSE FOR THE NAVIGABLE PORTIONS OF THE SNAKE, CLEARWATER, AND SALMON RIVERS BE IMPLEMENTED AS OUTLINED IN THE BOARD'S LETTER OF JULY 22, 1985 AND COAST GUARD LETTER OF JUNE 17, 1985; THAT IS, NO POWER BOAT GUIDE LICENSE WILL BE ISSUED FOR THE 1989-1990 LICENSE YEAR AND SUBSEQUENT YEARS WITHOUT THE LICENSE APPLICANT HAVING EVIDENCE OF A VALID COAST GUARD OPERATOR'S LICENSE. THIS MOTION APPLIES ONLY TO THOSE WATERS UNDER THE JURISDICTION OF THE U.S. COAST GUARD CLASSIFIED AS NAVIGABLE IN THE STATE OF IDAHO. A roll call vote was called for: Miller - "No"; Vaughn - "Aye"; Crane - "Aye"; Baird - "Aye"; and Meiners - "Aye".

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Areas Relinquished or Removed for Nonuse: The Board reviewed the possible relicensing of such areas and it was the Board's position that until such time as the A. W. Angell matter is resolved, no further will be taken in this regard.

The Board recessed for lunch at 1200 hours and reconvened at 1325 hours.

Willis B. Benjamin: The Board conducted a nonuse hearing for suspension/revocation of Mr. Benjamin's licensed privileges, namely fishing and waterfowl hunting. Following this hearing and a review of the information and data presented by Mr. Benjamin, MSC (Baird-Vaughn) THAT UPON THE PRESENTATION OF MR. BENJAMIN'S TESTIMONY THAT HE HAS NOW ARRANGED HIS BUSINESS ACTIVITIES TO DEVOTE MORE TIME TO HIS OUTFITTING BUSINESS AND HIS TESTIMONY THAT HE HAS TAKEN FISHING CLIENTS DURING THIS PAST SUMMER, THE BOARD FINDS GOOD CAUSE TO WAIVE THE PROVISIONS OF RULE 22 RELATING TO MR. BENJAMIN'S FISHING ACTIVITY ON HIS OUTFITTING LICENSE. HOWEVER, THE BOARD FINDS THAT THERE WAS NOT SUFFICIENT SHOWING TO WAIVE RULE 22 IN REFERENCE TO HIS WATERFOWL HUNTING ACTIVITIES. THEREFORE, MR. BENJAMIN'S LICENSE SHOULD REFLECT THAT HE IS LICENSED TO CONDUCT FISHING ACTIVITIES AS PREVIOUSLY STATED BUT WILL NO LONGER BE ABLE TO CONDUCT WATERFOWL HUNTING.

Forest Service Manual: The Board reviewed the Forest Service Memorandum dated October 9, 1987 relative to Region I Forest Service Manual Supplements regarding national forest outfitting and guiding activities. Following a discussion on this matter, the Board directs that this matter be placed on the agenda for the upcoming Inter-Agency meeting in December.

Worldwide River Expeditions: The Board reviewed the material relative to this matter regarding alleged violation of Idaho law and Rules and Regulations and the Forest Service's input to this matter, following which MSC (Miller-Vaughn) THAT THE BOARD SEND A LETTER TO RICHARD JONES ACKNOWLEDGING RECEIPT OF HIS LETTER AND HIS IDAHO AREAS OPERATIONAL LETTER FROM MIKE THOMAS REGARDING NOT HAVING A SUFFICIENT NUMBER OF GUIDES FOR THE NUMBER OF SPORTYAKS INDICATING THE BOARD WILL TAKE NO ACTION ON THIS BUT WILL EXPECT HIM TO BE A LITTLE BIT MORE AWARE AND HAVE A SUFFICIENT NUMBER OF GUIDES LICENSED IN THE FUTURE. A COPY OF THIS LETTER AS WELL AS THE TWO LETTERS JUST MENTIONED BE SENT TO ROGERS THOMAS SO THAT HE KNOWS THE BOARD FOLLOWED UP ON THIS MATTER. FURTHER, THAT THE ENFORCEMENT COORDINATOR BE ENCOURAGED TO CONTACT ROGERS THOMAS OF THE SALMON NATIONAL FOREST OF THE SERVICES AVAILABLE FOR MORE VISIBLE PRESENCE OF THE ENFORCEMENT AGENCY PORTION OF THE OUTFITTERS AND GUIDES BOARD AND POSSIBLY USING THE HOUSING, FLOAT BOAT, AND JET BOAT TRANSPORTATION AVAILABLE FROM THE FOREST SERVICE.

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Joe Robinson: The Board reviewed a letter from Mr. Robinson regarding a helicopter service for transport in which he proposes to utilize helicopters for the transport of senior citizens to Idaho's high mountain lakes for three or four days of float-tube fly fishing. Following a review of this matter, the Board directs that a letter be addressed to Mr. Robinson advising him that this does fall within the purview of the Outfitters and Guides Act and that he would, therefore, be required to have an outfitter's license for the conduct of such business. [Administrative note: An outfitter application packet should be sent to Mr. Robinson with the above letter with copies sent to Stacy Gebhards, Region 3 Supervisor, Idaho Department of Fish and Game, as well as Regions I and IV of the U. S. Forest Service.

Susan Berner: The Board reviewed the Performance Evaluation for Mrs. Berner, following which MSC (Miller-Baird) THAT THE BOARD CONCUR IN THE EVALUATION FORM AS PREPARED BY HER SUPERVISOR, LINDA ELWOOD.

Complaint Files: The Board reviewed the complaints on file and instructed the Chairman to take the necessary steps to answer said complaints.

David Bream/Jim Walker: Following a review of the materials submitted by Walt Browne regarding alleged illegal outfitting and/or third party agreements by and between Messrs. Bream and Walker, MSC (Baird-Vaughn) THAT MESSRS. BREAM AND WALKER BE BROUGHT BEFORE THE BOARD ON A SHOW CAUSE HEARING FOR SUSPENSION/REVOCATION OF LICENSES FOR THIRD PARTY AGREEMENTS AND ILLEGAL OUTFITTING RESPECTIVELY.

The Board recessed at 1700 hours and reconvened on Thursday, November 12, 1987 at 0830 hours with all Board members present.

Grant Simonds: Mr. Simonds met with the Board to give an update of IOGA activities relative to the upcoming Association meeting in December and requested the Board's participation in said meeting.

Forrest Wimer: Mr. Wimer met with the Board and was interviewed regarding his outfitter application to conduct big game hunting [bear, cougar, predators, & birds], fishing, and trailriding activities in Fish and Game Management Unit 15 out of Orogrande Lodge, following which it is the Board's direction that this application be held pending completion of research and that it brought back before the Board at its December meeting for a final decision.

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Mark Baumgardner: Mr. Baumgardner met with the Board and was interviewed regarding his proposal to become the new Managing Agent for Sun Valley Helicopter Guides. Following this interview and the Board's being made aware of the business transaction in which Mr. Baumgardner and Mr. Barker are now the sole owners of Sun Valley Helicopter Guides, MSC (Baird-Crane) THAT THE BOARD APPROVE THE TRANSFER OF ASSETS AND THE LICENSING OF MR. BAUMGARDNER AS MANAGING AGENT FOR THE BUSINESS UPON COMPLETION OF THE NECESSARY PAPERWORK.

The Board recessed for lunch at 1215 hours and reconvened at 1315 hours.

Gary & Janet Sylte dba Coeur d'Alene River Outfitters: Mr. & Mrs. Sylte appeared before the Board relative to their outfitting application to be licensed for various activities in Fish and Game Management Unit 4. Following an interview before the Board, they requested the Board to hold in abeyance any decision pending their resubmission of an amended application which the Board can then consider and render a decision.

Michael Slider/John Waite: Messrs. Slider and Waite met with the Board relative to the proposed sale and transfer of Mr. Waite's float boating and fishing business to Mr. Slider to be known as Salmon Angler, Inc. Following this interview before the Board, MSC (Miller-Crane) THAT THE PROPOSED SALE AND TRANSFER OF BUSINESS BE APPROVED PENDING COMPLETION.

Boise State University/Glenn Potter, Managing Agent: Dr. Potter came before the Board relative to the discussion regarding licensing requirements for BSU's activities outside of their licensed area. Following the interview, the Board directs that materials submitted by Dr. Potter, in turn, be submitted to the Board's attorney for his review asking that he contact BSU's attorney Bradley Hall of the Lajek & Hall law firm to see if this matter can be reconciled for our mutual benefit.

The Board recessed at 1600 hours and reconvened on Friday, November 13, 1987 at 0820 hours with all Board members present.

Joe Asher: A telephone call was received from Mr. Asher of the North Fork Ranger District at Darby, Montana, requesting the Board's participation in a study team that was being formulated to develop new recreational management direction for the Selway/Bitterroot Wilderness utilizing the L.A.C. procedures as a basis from which to develop said management direction. Following a discussion of this matter, the Board has asked that Leo Crane represent it in these proceedings and has so notified the Forest Service by telephone and will follow-up by letter confirming same.

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Canoesports, Inc.: Messrs. Philip Lansing and Edward Robertson appeared before the Board relative to their proposed becoming licensed as outfitters for canoeing activities on the Owyhee River, following which MSC (Miller-Vaughn) THAT THE FOLLOWING BOARD ACTION BE TAKEN AS REGARDS THE CANOESPORTS, INC. APPLICATION: (1) SAID APPLICATION BE PLACED ON THE CONSIDERATION LIST FOR THE OWYHEE RIVER [OW1]; (2) THE BOARD CONTACT THE BUREAU OF LAND MANAGEMENT [BLM] AS REGARDS THIS APPLICATION AND THEIR RECOMMENDATIONS ON NOT ONLY THIS APPLICANT BUT THOSE OTHERS CURRENTLY ON THE CONSIDERATION LIST FOR OW1; (3) THAT OTHER APPLICANTS ON SAID CONSIDERATION LIST BE CONTACTED AND SCREENED AS TO THEIR INTEREST/QUALIFICATIONS; (4) THE BOARD CONSIDER THESE MATTERS TO DETERMINE/SELECT A LICENSEE AT ITS DECEMBER BOARD MEETING; AND (5) THAT CANOESPORTS, INC. BE SO ADVISED AS TO THE BOARD'S ACTION.

Bill White/Mike McCarthy: Messrs. White and McCarthy met with the Board relative to the proposed sale and transfer of business from Mr. McCarthy to Mr. White, following which MSC (Crane-Baird) THAT THE PROPOSED SALE AND TRANSFER OF BUSINESS BE APPROVED WITH THE LICENSE ISSUED UPON COMPLETION OF THE APPLICATION.

Earl P. Basso, Jr.: Following an interview before the Board by Mr. Basso and his wife concerning the application to become a licensed outfitter in Fish and Game Management Units 70 and 71, MSC (Crane-Vaughn) THAT MR. BASSO'S APPLICATION BE DENIED FOR THE FOLLOWING REASONS: (1) THAT THE AREA APPLIED FOR IN UNITS 70 AND 71 IS CURRENTLY LICENSED TO OTHER LICENSED OUTFITTERS FOR VARIOUS ACTIVITIES FOR WHICH MR. BASSO HAS APPLIED; (2) THAT BY LETTER DATED OCTOBER 2, 1987 THE IDAHO DEPARTMENT OF FISH AND GAME RECOMMENDS THAT NO FURTHER OUTFITTERS BE LICENSED IN THIS AREA IN QUESTION; AND (3) THAT THE BOARD DOES HAVE ON RECORD PETITIONS SIGNED BY A GOODLY NUMBER OF INDIVIDUALS IN THE AREA REQUESTING THAT NO FURTHER LICENSING OF OUTFITTERS BE MADE IN UNIT 71. AUTHORITY FOR THIS DENIAL IS FOUND IN IDAHO CODE 36-2109(b)(4&5) AND BOARD RULE AND REGULATION NO. 19.f. FURTHER, THAT MR. BASSO BE ADVISED THAT HIS APPLICATION AND NAME WILL BE PLACED ON THE CONSIDERATION LIST FOR LICENSING IN THESE AREAS SHOULD A VACANCY OCCUR. [Administrative Note: Board to request the Idaho Department of Fish and Game to check with both the California and Alaska Fish and Game Departments for any readout on Mr. Basso's activities in their states.]

Ridge W. Taylor dba Arbon Valley Hunting Company: The Board reviewed the letter dated November 11, 1987 regarding Mr. Taylor's request to take a draw deer hunter from Cincinnati, Ohio into Fish and Game Management Unit 169, following which MSC

(Baird-Crane) THAT THE BOARD APPROVE THIS REQUEST ON A ONE-TIME BASIS ONLY AND SO NOTIFY MR. TAYLOR THAT THE DEER DRAW HUNT DOES NOT FALL WITHIN THE PURVIEW OF THE BOARD'S EXCEPTION OF GRANTING HUNTING PRIVILEGES TO OUTFITTERS FOR HUNTING OF SHEEP, GOAT, MOOSE, AND ANTELOPE, AND THAT HE SHOULD FULLY REALIZE THAT THIS IS ISSUED ON A RESTRICTED ONE-TIME BASIS ONLY. [Administrative Note: The land managing agency plus the Idaho Department of Fish and Game should be notified of the Board's action in this matter.]

Informational Fliers: The Board reviewed a proposed statement by and from the Board regarding the Outfitters and Guides Act, following which MSC (Miller-Vaughn) THAT THE BOARD PAY FOR A CARD/SHEET TO BE PRINTED INFORMING THE PUBLIC THERE IS AN OUTFITTERS AND GUIDES LAW AND GIVING A BRIEF DESCRIPTION/SUMMARY OF THAT LAW. THIS CARD TO BE DISTRIBUTED TO: (1) THE IDAHO DEPARTMENT OF FISH AND GAME FOR INCLUSION WITH NONRESIDENT HUNTING LICENSE PURCHASERS; (2) THROUGH THE U.S. FOREST SERVICE FOR THOSE PEOPLE RECEIVING A PRIVATE PERMIT ON THE SELWAY, MIDDLE FORK, SALMON, AND SNAKE RIVERS; AND (3) THROUGH OTHER AGENCIES AS NEEDED. DALE BAIRD TO COORDINATE WITH THE IDAHO DEPARTMENT OF FISH AND GAME AND HANK MILLER WILL CHECK WITH THE FOREST SERVICE FOR DISTRIBUTION OF SAID CARDS. [See Addendum #2 for wording]

A. W. Angell: Following conclusion of the nonuse hearing regarding Mr. Angell's outfitter license and review by the Board's Attorney of a recent Idaho Supreme Court decision relative to rulesmaking and discussion of these matters, MSC (Baird-Crane) THAT THE BOARD FIND: (1) THAT THE SEVERE WINTER OF 1983-1984 DID RESULT IN A HEAVY WINTER KILL OF BIG GAME HERDS IN THAT AREA TO WHICH MR. ANGELL WAS LICENSED TO OPERATE; (2) THAT MR. ANGELL WAS SUBJECTED TO CANCELLATION OF HIS INSURANCE IN 1985 DUE TO THE FAILURE OF THE COMPANY CARRYING SAID INSURANCE; (3) THAT THE ONGOING 1986 LITIGATION CONCERNING MR. ANGELL'S LICENSE PRECLUDED HIS OPERATION AS A LICENSED OUTFITTER; AND (4) THAT DUE TO THESE CIRCUMSTANCES, MR. ANGELL MADE A BUSINESS DECISION TO NOT BOOK CLIENTS OR OTHERWISE ACT IN THE CAPACITY OF AN OUTFITTER. THEREFORE, IN VIEW OF THE FOREGOING FACTORS, THE BOARD FINDS THAT THERE IS SUFFICIENT CAUSE TO WAIVE THE PROVISIONS OF RULE 22.a. AND IN ACCORDANCE WITH RULE 22.b. ORDERS THAT MR. ANGELL'S LICENSE REMAIN IN FORCE AS ISSUED.

Gerald Richie/Mike Richie/Jim Jensen: The Board reviewed the files regarding the upcoming denial hearings scheduled for the December Board meeting and the suggestion by its attorney that these matters be placed before an independent hearing officer. MSC (Baird-Crane) THAT THE BOARD ACCEPT ITS ATTORNEY'S RECOMMENDATION AND HAVE THESE HEARINGS ASSIGNED TO AN INDEPENDENT HEARING OFFICER.

Proposed Legislation: The Board reviewed the revision of the draft legislation with editorial corrections made, following which the Board directs that said legislation be submitted to the Governor's Legislative Council for its consideration and introduction at the 1987-1988 legislative session.

All business having been concluded, the Board adjourned at 1325 hours.



WILLIAM R. MEINERS, Chairman of the Board

ATTEST:



LINDA L. ELWOOD, Administrative Secretary

RALPH L. HATTER

AREA FOR HUNTING OF DEER

Deer hunting may be conducted in that portion of Idaho Department of Fish and Game Management Unit #15 described as follows, to wit: situate in Idaho County, State of Idaho, to wit: Township 30 North, Range 4 East, Boise Meridian; Section 19: Tax No. 7 described as follows:

H. E. Survey No. 221 embracing a portion of Section 19 in said Township and Range; said H. E. Survey No. 221, more particularly bounded and described as follows:

Beginning at corner No. 1 from which the quarter corner to said Sections 19 and 30, bears South 89 degrees 31 minutes East, 3.80 chains distant; thence North 14 degrees 18 minutes East, 29 links to corner No. 2; thence North 23 degrees 50 minutes East, 7.97 chains to corner No. 3; thence North 83 degrees 6 minutes East, 20.90 chains to corner No. 4; thence South 6 degrees 54 minutes East, 1.03 chains to corner No. 5; thence South 1 degree East, 5.85 chains to corner No. 6; thence South 64 degrees 14 minutes West, 7.71 chains to corner No. 7; thence North 89 degrees 31 minutes West, 17.20 chains to corner No. 1, the point of beginning.

Section 20: SE1/4NE1/4SW1/4, SW1/4SW1/4SW1/4, E1/2SW1/4SW1/4, SE1/4SW1/4, S1/2NW1/4SE1/4, N1/2SW1/4SE1/4, less road.

Section 29: NW1/4NE1/4NW1/4, NE1/4NW1/4NW1/4, W1/2NW1/4NW1/4, less road.

Section 30: Lots 6 and 7, NE1/4NE1/4, NE1/4NW1/4 east of river, less road.

[Salmon River/Slate Creek/Clearwater/Elk City Rangers Districts - Map dated 1981]

RESTRICTIONS

- (1) This license is valid only as long as the land described above remains in private ownership;
- (2) This license is valid only as long as the hunting agreement between Charles & Vivian Hopkins and Frank & Edith Bartlett remains in effect;
- (3) Hunting may only occur during the late white-tail deer season; and
- (3) You not take more than eight (8) hunters per year.

License No. 02879 (11/87)

ATTENTION OUTDOOR RECREATIONIST

If you are planning to compensate anyone for hunting, fishing, river running, or other Idaho outdoor recreational experiences, the State of Idaho has an Outfitters and Guides law [Idaho Code - Title 36 - Chapter 21 and its Rules and Regulations]. This law provides for the licensing of outfitters by defining the areas of operation (river sections, hunting areas, backpacking trails, etc.) and designates the types of activity (rafting, power boating, hunting for deer, elk or other big game species, fishing, snowmobiling, etc.) the outfitter can perform within his area. Guides must be licensed and employed by a licensed Idaho outfitter.

If you are compensating anyone for outfitted services, request to see a copy of their outfitter's license to be sure that they are legal. Once in the field, you may want to see the guide's license to make sure that he/she is legally employed by a licensed Idaho outfitter for that area.

Outfitting or guiding without a license or outside the assigned area is against the law! For your protection, use the services of legally licensed outfitters and their employed guides.

Report illegal outfitting/guiding and/or Fish & Game violations to:

CITIZENS AGAINST POACHING
1-800-632-5999

- or the -

IDAHO OUTFITTERS AND GUIDES BOARD
1365 North Orchard, Room 372
Boise, Idaho 83706
1-208-376-5680