

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD

May 9-13, 1988
Boardroom - Boise, Idaho

A regular meeting of the Idaho Outfitters and Guides Board convened at 0815 hours on Monday, May 9, 1988 with all Board members present.

Cascade Ranger District/Joyce Benham: The Board reviewed its letter addressed to Ron Jullian regarding the Environmental Assessments which address outfitting activities on the upper South Fork Salmon River drainage. Also discussed was the letter received from Joyce Benham dba North Shore Lodge regarding her outfitter application for the conduct of summer recreational activities in this same area. Following this discussion the Board re-affirmed its position regarding licensing of outfitting in the upper South Fork Salmon River drainage and adjacent Johnson Creek and Middle Fork Salmon River drainages and directed that Ms. Benham be requested to appear before the Board to further discuss her outfitter application.

FY88 Fiscal Reports: The Board reviewed the updated fiscal reports and expenditures submitted by the Administrative Secretary for the months of March and April 1988, following which MSC (Miller--Baird) THAT SAID FISCAL REPORT BE APPROVED.

Board Minutes: Following a review of the Minutes, MSC (Vaughn--Crane) THAT THE MARCH 28-APRIL 1, 1988 BOARD MINUTES BE APPROVED AS CORRECTED.

First Aid: The Board reviewed a letter received from Virginia Crane regarding the "new policy" for the American Red Cross Multimedia Standard First Aid Course. Following a discussion of this matter, the Board directs that a letter be addressed to Mrs. Crane thanking her for her letter and further advising her that the Board has contacted Ray Miller, Director of Health and Emergency Services--American Red Cross, regarding the questions raised by her letter, that no response has been received to date but that upon receipt of said response the Board will be back in touch.

Kamiah Chamber of Commerce: The Board reviewed a letter regarding the Chamber's action concerning the NezPerce Tribal Council. Following a discussion of this matter, the Board directs that no action be taken.

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U.S. Coast Guard: The Board reviewed the letter received from Lt. C. D. Kakuska regarding a proposed meeting with the Board to discuss the licensing agreement between the state of Idaho and the U.S. Coast Guard. Following a discussion of this matter, the Board directs that said meeting be scheduled for June 20, 1988 at 1330 hours and Lt. Kakusa so advised.

Boise/Payette National Forest Draft/Final Land Management Plans (LUP) and Environmental Impact Statements (EIS): The Board noted the recent release of said documents and following discussion directs that copies of said LUP's/EIS's be obtained with appropriate response made in accordance with due dates for public comment. Further, the Board directs that Grant Simonds, Executive Director of the IOGA, be contacted and encouraged to have the IOGA review said documents and make comments as may be deemed appropriate.

Telephone Communications: Following a review and discussion of the possibility of obtaining an additional line and telephone to accommodate Enforcement Coordinator needs and following contact with the Idaho Department of Administration, the Board directs that a letter be addressed to Lloyd Howe, Administrator--General Services Division for the Department of Administration outlining our needs and requesting a dollar figure for what it would cost the Board to convert our system totally to the state's system. Further, that until such time as this is done that the request for acquisition of a telephone for the Enforcement Coordinator be tabled.

Elwood Masoner dba Whitewater Adventures: The Board reviewed Mr. Masoner's file regarding the nonuse status of his float boating activity on the Selway River from Selway Falls to Lowell [SE2]. Following this review and in consideration of Mr. Masoner's response to the Board's letter dated April 25, 1988, MSC (Miller--Baird) THAT IN VIEW OF THE LACK OF JUSTIFICATION FOR NONUSE OF SE2 AS OUTLINED BY MR. MASONER'S LETTER, THAT HE BE BROUGHT BEFORE THE BOARD ON A SHOW CAUSE HEARING FOR REMOVAL OF SAID LICENSE PRIVILEGES.

James H. Vermillion: Following Mr. Vermillion's interview before the Board for his license application to become the Managing Agent for Omnisports dba The Snug Company, MSC (Baird--Vaughn) THAT SAID APPLICATION BE APPROVED PENDING COMPLETION OF PAPERWORK.

The Board recessed for lunch at 1140 hours and reconvened at 1240 hours with all members present except Ron Vaughn who returned to the meeting at 1500 hours.

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South Fork Expeditions, Inc./John Hill, Jr., M.A.: The Board reviewed the file concerning the nonuse status of South Fork Expeditions, Inc. for power and float boating activities on the Snake River--Henry's Fork Confluence to Hells Canyon Dam [SN6] and the correspondence received from Mr. Hill relative to this apparent nonuse status of this river reach. Following this review, MSC (Miller--Baird) THAT A LETTER BE DIRECTED TO MR. HILL ADVISING HIM THAT: (1) THE BOARD WILL NOT TAKE ANY FURTHER ACTION CONCERNING THE ALLEGED NONUSE AT THIS POINT IN TIME; (2) THAT MR. HILL SUBMIT A CORRECTED AND UPDATED USE REPORT TO SHOW USE AS IS CLAIMED IN HIS LETTER RECEIVED APRIL 28, 1988; (3) THE BOARD GRANT A ONE-YEAR EXTENSION TO ENABLE HIM TO DEMONSTRATE HIS USE ON SN6; AND (4) IF USE IS NOT MADE DURING THE 1988-1989 LICENSE YEAR, HE WOULD BE SUBJECT TO THE BOARD'S TAKING NONUSE ACTION AGAINST HIS LICENSE.

Northwest River Company/Doug Tims, M.A.: The Board reviewed Northwest River Company's file relative to the apparent nonuse of float boating activities on the Selway River from Selway Falls to Lowell [SE2] and in consideration of a letter submitted by Mr. Tims in response to the Board's letter dated April 25, 1988 on this matter, MSC (Crane--Miller) THAT THE BOARD ACCEPT NORTHWEST RIVER COMPANY'S RELINQUISHMENT OF FLOAT BOATING ACTIVITIES ON SE2. FURTHER, THAT WITH THIS RELINQUISHMENT FURTHER LICENSING ON THIS RIVER REACH BE CONSIDERED RELATIVE TO IDAHO OUTFITTERS AND GUIDES BOARD RULE NO. 28.

Harry W. Vaughn dba Wilderness Recreation Outfitter: The Board reviewed Mr. Vaughn's file relative to his inability to obtain the necessary special use permit from the Forest Service for the conduct of his deer and elk hunting activities and his request for waiver of late fee in submission of his renewal application. In consideration of the letter of explanation regarding these matters, MSC (Crane--Baird) THAT: (1) DEER, ELK, AND FOREST GROUSE HUNTING BE REMOVED FROM MR. VAUGHN'S LICENSE; (2) LICENSE BE ISSUED FOR THE ACTIVITIES OF FISHING, TRAILRIDING, AND BACKPACKING; (3) THAT DUE TO CIRCUMSTANCES BEYOND MR. VAUGHN'S CONTROL, WAIVER OF PAYMENT OF LATE FEE BE GRANTED.

John F. Crawford dba Captain John Outfitters: Following an interview before the Board relative to Mr. Crawford's outfitter license application for the conduct of power boating activities on the Clearwater, Salmon, and Snake Rivers, MSC (Miller--Baird) THAT MR. CRAWFORD'S APPLICATION BE TABLED PENDING THE INTERVIEW WITH LUVERNE GRUSSING OF THE BUREAU OF LAND MANAGEMENT REGARDING OUTFITTER ACTIVITIES ON THE LOWER SNAKE AND SALMON RIVERS FOLLOWING WHICH THIS MATTER WILL BE RE-CONSIDERED WITH ACTION TAKEN REGARDING MR. CRAWFORD'S APPLICATION.

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Wendy L. Wilson: The Board reviewed Ms. Wilson's guide license application for the conduct of float boating on the Owyhee River [OW1] and the log of experience submitted with said application, following which MSC (Miller--Crane) THAT THE BOARD APPROVE MS. WILSON'S GUIDE LICENSE APPLICATION AS FLOAT BOATMAN WITH THE LICENSE ISSUE UPON RECEIPT OF A VALID FIRST AID CARD.

Roger Rosentretter: The Board reviewed Mr. Rosentretter's guide license application for the conduct of float boating activities on the Owyhee River [OW1] and in consideration of the log of experience submitted with said application, MSC (Miller--Baird) THAT MR. ROSENTRETTER'S GUIDE LICENSE APPLICATION BE APPROVED AS FLOAT BOATMAN WITH THE LICENSE ISSUED UPON RECEIPT OF A VALID FIRST AID CARD.

Lester [Zeke] West dba Whitewater Outfitters: The Board reviewed Mr. West's file relative to the apparent nonuse of licensed float and power boating activities on the Clearwater River--Kooskia to Orofino [CL2] and power boating activities on the Snake River from Hells Canyon Dam to Pittsburg Landing [SN7] and from Pittsburg Landing to Lewiston [SN8]. The Board also noted that these matters were brought to Mr. West's attention last year and in consideration of his response to the Board's letter dated March 27, 1987 regarding these matters and his continued reporting of nonuse on the river segments involved, MSC (Crane--Miller) THAT MR. WEST BE BROUGHT BEFORE THE BOARD ON A SHOW CAUSE HEARING FOR NONUSE OF HIS FLOAT BOATING ON CL2 AND FOR POWER BOATING ON THE SNAKE RIVER [SN7 & SN8].

Stephen J. Guinn dba Whitewater Shop River Tours: The Board reviewed Mr. Guinn's file noting his apparent nonuse of various licensed activities, namely float boating on the Payette River from Grandjean to Deadwood [PS1] and float boating on the Snake River from Star Falls to Twin Falls [SN2-Murtaugh Section], on the Snake River from Lower Salmon Falls to Bliss Dam [SN3-Hagerman Section], following which MSC (Miller--Baird) THAT MR. GUINN BE BROUGHT BEFORE THE BOARD IN A SHOW CAUSE HEARING FOR WHY THE ACTIVITIES ON THESE RIVER SECTIONS SHOULD NOT BE REMOVED FOR NONUSE.

Robert Donald Gregg dba Three Rivers Outfitters: The Board reviewed Mr. Gregg's file relative to his apparent nonuse of licensed activities for power boating operations on the Clearwater River from Kooskia to Orofino [CL2] and on the Salmon River from Vinegar Creek to Hammer Creek [SA7A], following which MSC (Miller--Crane) THAT MR. GREGG BE BROUGHT BEFORE THE BOARD IN A SHOW CAUSE HEARING FOR NONUSE OF THESE LICENSED ACTIVITIES.

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The Board recessed for the evening at 1700 hours and reconvened on Tuesday, May 10, 1988 at 0815 hours with all members present.

Cutler Umbach dba High Llama Wilderness Tours: The Board reviewed Mr. Umbach's amended outfitter license application together with the recommendations made by the Forest Service, Idaho Department of Fish and Game, and other interested parties, following which MSC (Baird--Miller; Vaughn & Crane abstained) THAT MR. UMBACH'S APPLICATION BE APPROVED IN ACCORDANCE WITH THE AMENDED OPERATING PLAN SUBMITTED WITH SAID APPLICATION, AS CONCURRED WITH BY THE FOREST SERVICE AND THE IDAHO DEPARTMENT OF FISH AND GAME, PENDING COMPLETION OF THE NECESSARY PAPERWORK, NAMELY: (1) PAYMENT OF LICENSE FEES; (2) SUBMISSION OF A PERFORMANCE BOND; AND (3) SUBMISSION OF A RE-DRAFTED AREA DESCRIPTION TO INCLUDE PERTINENT REFERENCE TO SECTION, TOWNSHIP, AND RANGE RELATIVE TO THE POINT OF BEGINNING AND OTHER SIGNIFICANT REFERENCE POINTS TO OUTLINE THE REQUESTED BOUNDARY AS SUBMITTED IN A MAP BY MR. UMBACH TO THE BOARD DATED MARCH 11, 1988.

Sun Valley Wilderness Outfitters, Inc./R. J. Lewy, M.A.: The Board reviewed the files concerning the alleged violations of the Outfitters and Guides Act that prompted the Board's tabling of the renewal of Sun Valley Wilderness Outfitters, Inc. and R. J. Lewy's licenses for the 1988-1989 season, following which MSC (Baird--Crane) THAT SUN VALLEY WILDERNESS OUTFITTERS, INC. AND R. J. LEWY, MANAGING AGENT, BE BROUGHT BEFORE THE BOARD ON A SHOW CAUSE HEARING FOR THE DENIAL OR REVOCATION OF THEIR OUTFITTER AND MANAGING AGENT LICENSES. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH THE OUTFITTERS AND GUIDES ACT [TITLE 36, CHAPTER 21] AND OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS AS PROMULGATED THEREUNDER.

Sun Valley Wilderness Outfitters, Inc./R. J. Lewy, M.A.: In consideration of the pending litigation regarding the denial or revocation of Sun Valley Wilderness Outfitters, Inc. and R. J. Lewy, Managing Agent, licenses, MSC (Miller--Vaughn) THAT AN INDEPENDENT HEARING OFFICER BE APPOINTED TO HEAR THIS MATTER.

Glenda Lewy: The Board reviewed Mrs. Lewy's file regarding her application to become a Managing Agent for Sun Valley Wilderness Outfitters, Inc. for the 1987-1988 season, following which MSC (Baird--Vaughn) THAT INASMUCH AS MRS. LEWY DID NOT COMPLETE HER APPLICATION TO BECOME A MANAGING AGENT IN A TIMELY MANNER FOR THE 1987-1988 LICENSE YEAR, THE MONIES RECEIVED BE REFUNDED.

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High Country Outfitters, Inc./Quentin Selby, M.A.: The Board reviewed Mr. Selby's request for a continuance to submit the necessary papers as requested of him at the March meeting. Following a discussion of this matter, the Board grants said continuance in accordance with the criteria set forth in its letter of April 22, 1988.

James McManus: The Board reviewed the file on this matter noting the request for continuance of actions before the Board and requests by the McManuses of issue of the 1988-1989 licenses the same as last year, following which MSC (Miller--Vaughn) THAT THE CONTINUANCE BE GRANTED AND THE LICENSES CURRENTLY HELD BY THE McMANUSES BE RENEWED FOR THE 1988-1989 SEASON SUBJECT TO A FINAL DETERMINATION BY THE BOARD AS TO THEIR PETITION FOR CHANGES IN THE TERMS OF CONDITIONS OF THE LICENSE AND PAYMENT OF THE NECESSARY FEES.

It should be noted that Dale Baird left the meeting at 1100 hours for a doctor's appointment.

Sun Valley Outfitters & Omnisports dba The Snug Company: The Board reviewed the petition for promulgation of a rule. Let the record show that the Board acknowledges receipt of the materials submitted by Crist & Barstolli, Attorneys at Law, representing the companies involved and has forwarded same to its counsel for his review and recommendation back to the Board at its June meeting. Further, that the Board's counsel will contact Mr. Crist and inform him of these facts and the other matters pertaining to the Board's action in this regard.

Idaho Public Utilities Commission--Case No. 31.F-R-88-1/Order No. 21835: Following a discussion of the proposed rules, MSC (Miller--Crane) THAT THE BOARD GO ON RECORD AND SUBMIT A FORMAL WRITTEN STATEMENT TO THE IDAHO PUBLIC UTILITIES COMMISSION STATING ITS POSITION THAT THE BOARD HAS EXCLUSIVE JURISDICTION TO REGULATE GROUND TRANSPORTATION AND VESSELS ENUMERATED IN THEIR PROPOSED RULE AND THAT THE PUBLIC UTILITIES COMMISSION SHOULD BE REQUESTED TO CEASE RULEMAKING IN THAT REGARD.

The Board recessed for lunch at 1210 hours and reconvened at 1330 hours with all members present.

Vern Bressler Outfitter/Joe Bressler, M.A.: The Board met with Mr. Bressler concerning several aspects to outfitting activities in eastern Idaho, primarily boating/fishing activities on the South Fork of the Snake River. The Board also reviewed Vern Bressler Outfitter's power boating activity on the Teton River--Harrop Bridge to the Confluence [TE3] and the apparent nonuse of

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this licensed activity.. Following the discussion with Mr. Bressler, the Board directed that further investigation/research be made regarding boating/fishing activities on the South Fork of the Snake River [SS1] and that power boating on TE3 be reviewed in accordance with the language of Rule 57 of either/or a combination of float/power activity on TE3.

Darl Allred: Following an interview before the Board regarding Mr. Allred's guide license application for the 1988-1989 season and in view of the information given the Board regarding his application, MSC (Vaughn--Baird) THAT MR. ALLRED BE ISSUED A PROBATIONARY LICENSE FOR THE 1988-1989 SEASON WITH SUCH TERMS OF PROBATION BEING NO VIOLATION OF LOCAL/STATE/FEDERAL LAW AND THAT NO AMENDMENT WILL BE HONORED BY THE BOARD TO HIS LICENSE DURING THE COURSE OF PROBATION. SAID LICENSE TO BE ISSUED UPON SATISFACTORY SUBMISSION OF A VALID FIRST AID CARD.

LuVerne Grussing/BLM: The Board met with Mr. Grussing of the Cottonwood Sub-Office of the BLM to discuss various matters of mutual concern to the Board and BLM, following which: (1) Mr. Grussing will submit a letter to the Board regarding his concern of power boating licenses on SA7 and SA8 with recommendation for reduction of these numbers in consideration of public safety, health, and welfare; and (2) a recommendation regarding the jet-back problems for power boating activity on SA7A. Further discussion regarded power boating activities on the Snake River--Pittsburg Landing to Lewiston [SN8] with no final decision made by the Board regarding this matter at this time. It is the Board's position, however, that no further licenses be issued on these river reaches [SA7, SA8, SN8] pending the outcome of forthcoming rules-making procedures with such applications as may be received placed on the consideration list.

The Board recessed at 1700 hours and reconvened on Wednesday, May 11, 1988 at 0815 hours with all members present.

David L. Udy: The Board again reviewed Mr. Udy's amendment request for the conduct of big game hunting activities as well as predators, birds, fishing, trailrides, and backpacking in Fish and Game Management Unit 61 to note that at its last meeting this matter was tabled pending completion of research by the Board. Following a discussion of this matter, MSC (Miller--Vaughn) THAT MR. UDY'S AMENDMENT REQUEST BE APPROVED FOR THE CONDUCT OF AFOREMENTIONED ACTIVITIES IN THAT PORTION OF FISH AND GAME MANAGEMENT UNIT 61 DESCRIBED AS FOLLOWS: BEGINNING AT SPENCER ON INTERSTATE 15; THENCE EASTERLY ON FISH AND GAME MANGEMENT UNIT BOUNDARY 60A/61 TO ITS INTERSECTION WITH EAST CAMAS CREEK; THENCE NORTH-WESTERLY UPSTREAM ON EAST CAMAS CREEK TO THE IDAHO/MONTANA STATE

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BOUNDARY ON THE CONTINENTAL DIVIDE; THENCE WESTERLY ON THE CONTINENTAL DIVIDE ALONG FISH AND GAME MANAGEMENT UNIT BOUNDARY 61 TO INTERSTATE 15 AND THE JUNCTURE OF FISH AND GAME MANAGEMENT UNIT 58/61; THENCE SOUTHERLY ALONG INTERSTATE 15 AND THE BOUNDARY COMMON TO FISH AND GAME MANAGEMENT UNITS 59/61 TO SPENCER, THE POINT OF BEGINNING. FURTHER, THIS EXTENSION IS SUBJECT TO THE SAME RESTRICTIONS AS WAS APPLICABLE ON HIS PRIOR LICENSED AREA, NAMELY THAT HE BE LIMITED TO A MAXIMUM OF FOUR (4) RIFLE AND FOUR (4) ARCHERY HUNTERS FOR THE CONDUCT OF ELK AND DEER HUNTING.

Keith Rush: The Board reviewed Mr. Rush's file noting his outfitter license amendment request to extend his area of operation in Fish and Game Management Unit 61, following which MSC (Miller--Baird) THAT MR. RUSH'S AMENDMENT REQUEST BE APPROVED, IN PART, WITH THE EXTENSION OF HIS CURRENT LICENSED BOUNDARY AND ACTIVITIES GOING SOUTHERLY ALONG THE EAST FORK OF CAMAS CREEK TO ITS INTERSECTION WITH THE SHOTGUN VALLEY ROAD AND BOUNDARY COMMON TO FISH AND GAME MANAGEMENT UNITS 60/61; THENCE EASTERLY ALONG SAID FISH AND GAME MANAGEMENT UNIT BOUNDARY TO A POINT OF INTERSECTION WITH HIS CURRENTLY LICENSED BOUNDARY IN SECTION 12, T13N, R42E, BM.

Norris Stimpson: Following the interview before the Board by Mr. Stimpson regarding his outfitter license application for power boating operations on the Snake River--Hells Canyon Dam to Lewiston [SN8] and on the Salmon River--Hammer Creek to Lewiston [SAB] together with his other requested activities, MSC (Miller--Vaughn) THAT MR. STIMPSON'S OUTFITTER LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(1 & 2) AND OUTFITTERS AND GUIDES BOARD RULE NO. 19.c.

James L. Snyder/Scott Knight: The Board reviewed Messrs. Snyder's and Knight's files regarding their outfitter license applications to become successor in interest to what previously had been licensed to Lolo Creek Outfitters, Inc. noting that the gentleman have not been able to agree as to how an equitable arrangement can be made for the conduct of an outfitting business to be conducted on lands involved, following which MSC (Miller--Vaughn; Crane voted "no") THAT MESSRS. SNYDER'S AND KNIGHT'S OUTFITTER LICENSE APPLICATIONS BE DENIED. AUTHORITY FOR THIS ACTION IS AS FOUND IN IDAHO CODE 36-2109(b)(5) AND OUTFITTERS AND GUIDES BOARD RULE NO. 19.

Dalbert (Del) Allmon: The Board conducted a hearing on the denial of Mr. Allmon's application to add various big game hunting, summer recreational, and charter boat fishing activities to his license. Following the hearing and in consideration of

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the testimony offered by Mr. Allmon, the following facts were established: (1) Mr. Allmon withdrew his amendment request as applicable to Fish and Game Management Unit 39; (2) Mr. Allmon's request for activities within that portion of Fish and Game Management Unit 43 are acceptable to the Board, Forest Service, and Idaho Department of Fish and Game; and (3) Mr. Allmon's request for charter boat fishing will be postponed pending the outcome of the Board's Rules-making Procedures regarding licensing of this activity on Idaho's lakes and reservoirs. MSC (Crane--Baird) THAT: (1) THE BOARD AFFIRM ITS DENIAL OF SAID ACTIVITIES AS APPLICABLE TO FISH AND GAME MANAGEMENT UNIT 39; (2) THE BOARD APPROVE HIS REQUESTED ACTIVITIES AS APPLICABLE TO THAT PORTION OF UNIT 43 TO WHICH HE IS CURRENTLY LICENSED FOR OUTFITTED ACTIVITIES; AND (3) HIS REQUEST FOR CHARTER BOAT FISHING ON ANDERSON RANCH RESERVOIR BE TABLED IN ACCORDANCE WITH THE BOARD'S MORATORIUM TO NOT LICENSE ANY ADDITIONAL CHARTER FISHING BOAT OPERATORS ON ANY IDAHO LAKES OR RESERVOIRS PENDING THE CONCLUSION OF THE RULES-MAKING PROCESS WHICH WILL ADDRESS THIS ISSUE. FURTHER, THAT HIS NAME BE PLACED ON THE CONSIDERATION LIST FOR SAID REQUEST.

Rule 57: The Board reviewed its prior actions taken in the issuance of steelhead fishing on the Salmon River from the boat dock in Riggins downstream to Hammer Creek [SA7B] noting that prior Board action established this activity as a temporary activity to run a course of two years during which monitoring would be conducted by the Board to ascertain whether there are any problems relative to continuing to license this activity. Following a discussion of this matter, MSC (Miller--Crane) THE BOARD FINDS THROUGH ITS MONITORING PROGRAM OVER THE PAST TWO YEARS THAT: (1) NO ADVERSE IMPACT WAS EVIDENCED RELATIVE TO THE LICENSING OF THIS ACTIVITY; AND (2) STEELHEAD FISHING ON SA7B BE DEEMED A PERMANENT AND LICENSEABLE ACTIVITY UNDER RULE 57 AS SPECIFIED IN THE OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS.

White Water Express, Inc./Ronald L. Howell, M.A.: Following an interview before the Board by Messrs. Howell and Dick Pullen regarding the proposed sale and transfer of the float boating business on the Salmon River from Vinegar Creek to Hammer Creek [SA7A&B] and from Hammer Creek to Heller Bar onto Lewiston [SA8], MSC (Miller--Baird) THAT SAID SALE AND TRANSFER OF BUSINESS BE APPROVED WITH ISSUE OF LICENSE PENDING: (1) COMPLETION OF A COMPANY APPLICATION; (2) SUCCESSFUL COMPLETION OF THE OUTFITTER EXAMINATION; (3) PAYMENT OF NECESSARY LICENSE FEES; AND (4) THE SECURING OF THE NECESSARY BOND.

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The Board recessed for lunch at 1210 and reconvened at 1330 hours with all members present.

Barbetta (Barbie) Cox: Mr. & Mrs. Ray Cox met with the Board relative to changing the nature of their organization from Ray Cox dba Trout Creek Outfitters to Trout Creek Outfitters, Inc./Ray & Barbetta Cox, Managing Agents. Following the interview before the Board concerning this matter, MSC (Miller--Crane) THAT THE AMENDMENT REQUEST BE APPROVED SUBJECT TO THE PAYMENT OF THE LICENSE FEE FOR THE CORPORATION. [Administrative Note: During the course of the interview before the Board, Mr. Cox inquired as to the possibility of making an area boundary description modification between himself and Jim Daude dba Gospel Mountain Outfitters. Following a consideration of this matter, the Board directed Mr. Cox that, if he could come to an agreement with Mr. Daude to submit an amendment request for an agreed-to modification of the boundary for Board review and research and that if no objections were raised by anyone, undoubtedly this boundary adjustment could be made.]

Pine Creek Outfitters/Darrel Ricks, M.A.: Messrs. Ricks and Steve Bills met with the Board as regards their outfitter license application for the conduct of elk/deer/moose/cougar hunting and trailrides in Fish and Game Management Units 65 and 67. Following an interview with the Board and discussion of their application, MSC (Crane--Baird) THAT THE PINE CREEK OUTFITTERS' APPLICATION BE TABLED WITH A LETTER ADDRESSED TO MR. RICKS STATING THAT THE BOARD HAS TABLED THEIR OUTFITTER LICENSE APPLICATION PENDING RECEIPT OF AN AMENDED APPLICATION AND ADJUSTMENT OF REQUESTED AREA TO EXCLUDE THOSE AREAS CURRENTLY LICENSED TO OTHER OUTFITTERS FOR BIG GAME HUNTING ACTIVITIES.

Richard Lindsey/David Deeds: Messrs. Lindsey and Deeds met with the Board to discuss their proposed merger of their respective outfitter operations, namely Blue Ribbon Charters dba Blue Ribbon Outfitters and Grizzly Outfitters/David L. Deeds, M.A. Following the interview before the Board and discussion of the proposed merger of these two businesses, MSC (Miller--Vaughn) THAT THE PROPOSED MERGER OF GRIZZLY OUTFITTERS, INC./DAVID L. DEEDS, M.A. AND RICHARD L. LINDSEY dba BLUE RIBBON OUTFITTERS INTO A SINGLE CORPORATION WITH A NAME AS YET UNDETERMINED WITH A dba AS YET UNDETERMINED WITH MR. LINDSEY BECOMING THE MANAGING AGENT AND MR. DEEDS BECOMING A LICENSED GUIDE UNDER THE CORPORATE STRUCTURE BE APPROVED PENDING THE COMPLETION OF THEIR APPLICATION, NAMELY: (1) SUBMISSION OF AN APPROPRIATE CORPORATE OUTFITTER LICENSE APPLICATION TO INDICATE NAME AND dba IF ANY; (2) RECEIPT OF A LETTER CLARIFYING THE STATUS OF MESSRS. WAYMAN AND DUVALLS, MANAGING AGENTS UNDER THE OLD GRIZZLY OUTFITTERS, INC.; (3) RECEIPT OF A

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FICTITIOUS NAME CERTIFICATE, IF IN FACT ONE IS TO BE UTILIZED IN THE NEW CORPORATE STRUCTURE; (4) THAT MR. LINDSEY'S CURRENT OUTFITTER LICENSE BE TRANSFERRED AND BECOME THE MANAGING AGENT QUALIFIED TO GUIDE UNDER THE NEW CORPORATE STRUCTURE; (5) THAT MR. DEEDS' OUTFITTER LICENSE BE MODIFIED TO INDICATE HIS BECOMING A QUALIFIED GUIDE UNDER THE NEW STRUCTURE WITH DIFFERENTIAL IN FEES REFUNDED TO MR. DEEDS; (6) THAT THIS NOW BECOMES A NEW LICENSE APPLICATION AND NO LATE FEES ARE APPLICABLE TO THE COMPLETION OF THIS LICENSE PROCEDURE; AND (7) LET THE RECORD SHOW THAT BY MERGER OF THESE TWO BUSINESSES THAT THE CURRENT CHARTER BOAT FISHING OPERATORS LICENSED ACTIVITIES ISSUED TO GRIZZLY OUTFITTERS AND TO BLUE RIBBON OUTFITTERS SHALL NOW BECOME ONE WITH THE RESULT THAT WE HAVE ONE LESS LICENSED CHARTER BOAT FISHING OPERATOR ON PRIEST, PEND OREILLE, AND COEUR D'ALENE LAKES.

McGarry Brothers/Theron R. McGarry, M.A.: The Board reviewed Mr. McGarry's file regarding the completion of his outfitter license application to note that upon submission of the paperwork necessary to complete his application with issue of license, he appears to have expanded his requested area of operation. Further the Board noted that upon a call to Ron Dickemore of the Forest Service on May 2, 1988 the Forest Service was not aware of this requested change in area of operation with the Board having sent a copy of said request to the Forest Service for their review and recommendation, following which MSC (Vaughn--Crane) THAT MCGARRY BROTHERS' OUTFITTER LICENSE APPLICATION BE TABLED PENDING THE RECEIPT OF RESPONSE AND RECOMMENDATION BY THE FOREST SERVICE AS REGARDS THE REQUESTED AND EXPANDED AREA OF OPERATION.

Diana Swift Haynes dba Wapiti Meadows Ranch & Outfitters: The Board reviewed Ms. Haynes' file and letter to the Forest Service concerning the Environmental Assessment addressing this matter to re-affirm its position of tabling her application pending a meeting with the Forest Service concerning Amendment #1 to the MOU.

Forrest Wimer: The Board reviewed Mr. Wimer's file noting the completion of research regarding his outfitter license application to be licensed for elk/deer/moose/bear/cougar/predator/bird hunting as well as fishing, trailrides, and backpacking activities in Fish and Game Management Unit 15 noting the recommendations made by the Forest Service and the Idaho Department of Fish and Game, following which MSC (Crane--Vaughn) THAT MR. WIMER'S OUTFITTER LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS DENIAL IS AS FOUND IN IDAHO CODE 36-2109(b)(4&5) AND IN ACCORDANCE WITH RECOMMENDATIONS MADE BY THE FOREST SERVICE AS AN OUTGROWTH OF THEIR ENVIRONMENTAL ASSESSMENT PROCESS AND BY THE IDAHO DEPARTMENT OF FISH AND GAME IN A LETTER DATED NOVEMBER 12, 1987.

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Gordon E. Frost dba Warm Springs Outfitters: The Board reviewed Mr. Frost's file regarding his communication with the Board and the dissolving of the partnership with Mr. Fred L. Wright with the further request that he be named the Managing Agent in conduct of licensed outfitted activities, following which MSC (Crane--Vaughn) THAT MR. FROST'S OUTFITTER LICENSE AMENDMENT REQUEST BE APPROVED FOR: (1) DISSOLUTION OF PARTNERSHIP BY AND BETWEEN MESSRS. FROST AND WRIGHT AND (2) THAT GORDON E. FROST BE APPROVED AS THE MANAGING AGENT, QUALIFIED TO GUIDE, FOR AN OUTFITTER BUSINESS TO BE KNOWN AS GORDON E. FROST dba WARM SPRINGS OUTFITTERS.

Earl R. Keating, Jr.: The Board reviewed Mr. Keating's correspondence to the Board requesting clarification of the Board's intent as regards licensing outfitters in what is known as the Lemhi Bear/Cougar hunting area. Research of the file and Board Minutes finds that by Board action as documented in Board Minutes dated March 30, March 31, and April 1, 1981 that the two joint-use areas established by the Board at that point in time was to be known as Custer Area-Cougar Only and Lemhi Area-Spring Bear and Cougar, following which MSC (Baird--Vaughn) THAT MR. KEATING BE ADVISED: (1) IT IS THE BOARD'S POSITION THAT THE AREA SHALL BE KNOWN AS THE LEMHI SPRING BEAR AND COUGAR AREA AND (2) AFFECTED OUTFITTERS' LICENSES SHALL BE CORRECTED BY ADMINISTRATIVE AMENDMENTS.

The Board recessed at 1700 hours and reconvened on Thursday, May 12, 1988 at 0830 hours with all members present.

Roger Ball: The Board reviewed Mr. Ball's outfitter license application to become Managing Agent of the Salmon River Lodge. Following a discussion and review of the file, MSC (Miller--Baird) THAT MR. BALL BE APPROVED AS MANAGING AGENT, QUALIFIED TO GUIDE BIG GAME HUNTING ACTIVITIES AS WELL AS FISHING, TRAILRIDES, AND BACKPACKING--NOT QUALIFIED TO GUIDE POWER OR FLOAT BOATING ACTIVITIES.

Mike W. Sohrakoff: The Board reviewed Mr. Sohrakoff's file to note that he has been cited by the Board for illegal outfitting. Following a discussion of this matter, MSC (Baird--Vaughn) THAT MR. SOHRAKOFF'S 1988-1989 GUIDE LICENSE BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH 36-2109(c) AND 36-2113(a)(14).

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Michael J. Lyons: Following an interview before the Board with Mr. Lyons and Michael Butler concerning: (1) the proposed sale and transfer of Mr. Butler's business to Mr. Lyons, namely the Payette River-North Fork-Cabarton to Smiths Ferry Bridge [PN2] and the Payette River-Deadwood to Banks [PS2] and (2) the proposed sale and transfer of business by and between Messrs. Lyons and Randy Brink, M.A./Payette River Company, Inc. for a partial sale and transfer of that business, namely Payette River-Banks to Black Canyon Dam [PA1] and in consideration of these proposed sales and transfers of businesses, MSC (Miller--Crane) THAT: (1) THESE PROPOSED SALES AND TRANSFERS OF BUSINESSES BE APPROVED WITH ISSUE OF LICENSE PENDING PAYMENT OF FEES, SUBMISSION OF NECESSARY BOND, AND ANY OTHER REQUIRED PAPERWORK; (2) THAT MR. LYONS BE DEEMED QUALIFIED TO GUIDE UPON SUBMISSION OF NECESSARY TRAINING CARDS; AND (3) THAT MR. LYONS BE AUTHORIZED TO IMMEDIATELY ENGAGE IN ADVERTISING IN ORDER TO MARKET HIS BUSINESS FOR THE UPCOMING SEASON.

Dick McAfee dba Castle Creek Outfitters: Mr. McAfee met with the Board requesting information regarding a proposed amendment that he might wish to submit to include an area lying along the southeast perimeter of his currently licensed area which would extend his currently licensed area to the Lemhi/Custer County line in an area in Townships 15/16 North, Ranges 17/18 East, Fish and Game Management Unit 27. Following this interview, the Board advised Mr. McAfee to submit an appropriate amendment request to the Board for inclusion of this area and that the Board would then initiate the necessary research of the matter and get back to him with an answer at some future date.

Policy Power/Float Boating on Teton River: The Board reviewed power boating on the Teton River from Harrop Bridge to the Confluence [TE3]. Following an investigation and in consideration of the five outfitters, namely Laren M. Piquet/Teton Valley Lodge, Inc./Three Rivers Ranch, Inc./Vern Bressler Outfitter, Inc./James E. Champion currently licensed on this river reach, said nonuse in accordance with Rule 57 is, in fact, not applicable as the Rule states that power or float boating is a licenseable activity on this river reach. Following a discussion of this matter the Board directs that on the outfitter's license renewal application use report, that only one line be shown for power or float boating, rather than two as is currently indicated. Further, that this same use report change is applicable to the remainder of the Teton River, segments TE1 and TE2, and should likewise be made so that the individual licensee can report use be it either power or float in accordance with Rule 57. Finally, the Board directs that a letter be addressed to the current licensees on TE3 to advise them that nonuse is not applicable to their operation and that they should report either float or power boat use on this river reach in the future.

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Ron Gillett dba Triangle C Ranch: The Board reviewed Mr. Gillett's file noting the violation of Idaho Department of Fish and Game law. Following a discussion and in consideration of this matter, MSC (Miller--Baird) THAT MR. GILLETT'S LICENSES BE ISSUED AS FOLLOWS: (1) HIS OUTFITTER LICENSE BE ISSUED; (2) HIS GUIDE LICENSE BE ISSUED PROBATIONARY WITH RESTRICTIONS BEING NO VIOLATIONS OF LOCAL, STATE, OR FEDERAL LAWS AND THAT NO AMENDMENTS WOULD BE CONSIDERED TO HIS GUIDE LICENSE FOR THE 1988-1989 LICENSE YEAR; AND (3) THAT A LETTER BE ADDRESSED TO MR. GILLETT REQUESTING THE CIRCUMSTANCES AS TO WHY HE ANSWERED "NO" TO QUESTION REGARDING VIOLATIONS OF IDAHO FISH AND GAME LAWS ON HIS OUTFITTER LICENSE RENEWAL APPLICATION.

Phillip Bub Smith: The Board reviewed Mr. Smith's file noting the apparent falsification of his American Red Cross card as to date of issue. Following a discussion of this matter, MSC (Baird--Vaughn) THAT MR. SMITH BE BROUGHT BEFORE THE BOARD ON A SHOW CAUSE HEARING FOR REVOCATION OF HIS LICENSE IN ACCORDANCE WITH IDAHO CODE 36-2113(a). [Administrative Note: Let's check with either or both the Boise and Payette National Forests to see if Mr. Smith has been issued special use permits for conduct of his cougar hunting.]

Herbert Barberie: The Board reviewed Mr. Barberie's file regarding his 1988-1989 guide license application to note that the application utilized is apparently one of the older forms requesting information as to violation of Fish and Game laws within the past five years. In review of this file we find that Mr. Barberie has truthfully answered the question on his guide license application, following which the Board directs that his license be issued as requested.

Joyce Benham: Following an interview before the Board and in re-consideration of Ms. Benham's outfitter license application to be licensed for the conduct of fishing, trailrides, backpacking, snowmobiling, and cross-country skiing in conjunction with her lodge known as North Shore Lodge at Warm Lake, MSC (Baird--Miller; affirmed by Crane, Baird, Miller, & Meiners; Vaughn abstained) THAT THE MOTION TABLING MS. BENHAM'S APPLICATION AT THE MARCH 28, 1988 BOARD MEETING BE BROUGHT UP BEFORE THE BOARD FOR RE-CONSIDERATION.

Joyce Benham dba North Shore Lodge at Warm Lake: Following the interview and prior Board action to bring the tabled motion of March 28, 1988 regarding Ms. Benham's outfitter license application before the Board for re-consideration and after having said motion passed by the Board that it re-consider Ms.

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Benham's outfitter license application, MSC (Baird--Crane; Vaughn abstained) THAT MS. BENHAM'S OUTFITTER LICENSE APPLICATION BE APPROVED PENDING: (1) SUBMISSION OF AN AMENDED AREA DESCRIPTION OUTLINING HER REVISED REQUEST FOR AN AREA OF OPERATION TO EXCLUDE THE PAYETTE NATIONAL FOREST; (2) RECEIPT OF VERIFICATION FROM THE FOREST SERVICE THAT THEY HAVE AN ACCEPTABLE/APPROVED SITE FOR STABLING THEIR HORSES; (3) THE ATTACHMENT OF THE LETTER OF CONCERNS FROM THE IDAHO DEPARTMENT OF FISH AND GAME TO AND MADE A PART OF THE LICENSE; (4) THE ACTIVITY OF CROSS-COUNTRY SKIING BE APPROVED WITH THE PROVISION THAT THE SERVICES OF A QUALIFIED CROSS-COUNTRY SKI GUIDE BE SECURED; AND (5) THE BOARD ACKNOWLEDGE THE CONTRACT BY AND BETWEEN MS. BENHAM AND TOM LANHAM TO SERVE AS A GUIDE QUALIFIED FOR THE ACTIVITIES REQUESTED OTHER THAN CROSS-COUNTRY SKIING.

The Board recessed for lunch at 1200 hours and reconvened at 1300 hours with all members present except Ron Vaughn.

Albert W. Lewis: Mr. Lewis met with the Board to discuss and update the status of the Board's enforcement program.

Cal Butterfield dba Inland Charter Service: The Board reviewed Mr. Butterfield's outfitter license amendment request for the addition of charter boat fishing activities on the Chain Lakes [upstream from Coeur d'Alene Lake to the Coeur d'Alene River] in Fish and Game Management Units 5 and 6. The Board also noted the letter of recommendation received from the Idaho Department of Fish and Game relative to this amendment request, following which MSC (Baird--Crane) THAT MR. BUTTERFIELD'S AMENDMENT REQUEST FOR CHARTER BOAT FISHING ON THE CHAIN LAKES BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(4&5) AND IN ACCORDANCE WITH THE RECOMMENDATIONS MADE BY THE IDAHO DEPARTMENT OF FISH AND GAME IN A LETTER DATED APRIL 29, 1988.

Carl R. McMillen dba Alibi Charters: The Board reviewed Mr. McMillen's outfitter license amendment request to add fishing and power boating activities to his license for conduct on Clark Fork River--Montana Stateline to Pend Oreille Lake [CF1], following which MSC (Baird--Crane) THAT SAID AMENDMENT REQUEST BE APPROVED FOR POWER AND FISHING ACTIVITIES ON CF1 WITH LICENSE ISSUED WHEN EITHER: (1) MR. McMILLAN SUBMITS THE NECESSARY QUALIFICATIONS AS POWER BOAT GUIDE ON CF1 OR (2) MR. McMILLEN EMPLOYES A QUALIFIED POWER BOAT GUIDE.

David M. Friedman: The Board reviewed Mr. Friedman's file and request for renewal of his outfitter license for the 1988-1989 season to note the dismissal of charges against him as regards his citation for residency status, following which MSC (Baird--Crane) THAT MR. FRIEDMAN'S LICENSE BE ISSUED SAME AS LAST YEAR.

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James S. Folk dba Diamond Jim Charter Service: The Board reviewed Mr. Folk's file relative to his request for waiver of late fee in renewal of his 1988-1989 outfitter license, following which MSC (Crane--Baird) THAT THE LICENSE BE ISSUED WITH A WAIVER OF THE LATE FEE IN ACCORDANCE WITH THE REASONS STATED BY MR. FRIEDMAN IN HIS LETTER TO THE BOARD DATED APRIL 8, 1988.

Roger S. Williams dba Buffalo Hump Nordic Center: The Board reviewed Mr. Williams' file noting his request for waiver of late fee as regards his outfitter license renewal application for the 1988-1989 season, following which MSC (Crane--Miller) THAT THE WAIVER OF LATE FEE BE DENIED AND THAT MR. WILLIAMS BE REQUIRED TO PAY SAID LATE FEE PRIOR TO THE ISSUE OF HIS 1988-1989 LICENSE.

Peter H. Grubb dba River Odysseys West: The Board reviewed Mr. Grubb's outfitter license amendment request for the addition of float boating and fishing activities on the Coeur d'Alene River from Devil's Elbow to South Fork [CD1] and on the St. Maries River [SM1]. The Board further noted Mr. Grubb's statement that he had been approved for operation on the St. Maries River pending submission of necessary training credentials for operation on this river reach and his request that the Board review and consider his log of experience for licensing as guides on both CD1 and SM1 for himself, Betsy Bowen, and Conrad Fourney. Moreover the Board reviewed Mr. Grubb's further amendment request for an exception to Rule 54 as applicable to the Coeur d'Alene River from Eonville to the Cataldo access point and on the St. Joe River from below Turner Flat to Lake Coeur d'Alene. Following a consideration and discussion of these matters, MSC (Miller--Baird) THAT: (1) MR. GRUBB'S AMENDMENT REQUEST TO ADD FLOAT BOATING AND FISHING ACTIVITIES ON THE COEUR d'ALENE RIVER [CD1] BE APPROVED; (2) PETER GRUBB, BETSY BOWEN, AND CONRAD FOURNEY GUIDE LICENSE QUALIFICATIONS BE ACCEPTED WITH THEIR BEING LICENSE FOR FLOAT BOATING ON CD1 AND SM1; (3) MR. GRUBB'S REQUEST TO BE LICENSING ON THE CLEARWATER RIVER--LOWELL TO KOOSKIA [CL1] BE APPROVED; (4) MR. GRUBB'S WILL BE PLACED ON THE CONSIDERATION LIST FOR LICENSING ON THE SELWAY RIVER WITH SELECTION FOR A LICENSEE FOR THIS RIVER REACH TO BE MADE IN ACCORDANCE WITH RULE 28.c.; (5) MR. GRUBB'S AMENDMENT REQUEST AS REGARDS HIS PROPOSED CANOEING ACTIVITIES ON THE COEUR d'ALENE AND ST. JOE RIVERS BE TABLED PENDING FURTHER INVESTIGATION AND THAT MR. GRUBB BE REQUESTED TO SUBMIT ADDITIONAL DETAIL AS TO HOW HE WOULD PROPOSE TO CONDUCT THESE TRIPS AND STILL MEET THE NECESSARY CRITERIA FOR PROTECTION OF HIS CLIENTELE; AND (6) MR. GRUBB BE ADVISED THAT THE SPOKANE RIVER IS NOT OPEN TO COMMERCIAL OPERATIONS IN ACCORDANCE WITH RULE 57 AND THAT HE BE PROVIDED THE NECESSARY INFORMATION TO GO TO RULES-MAKING ON THIS MATTER IF HE SO DESIRES.

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Sawtooth Expeditions, Inc./Hells Canyon Adventures: The Board reviewed the file concerning the proposed sale and transfer of business from Hells Canyon Adventures for float boating activities on the Salmon River from Vinegar Creek to Hammer Creek [SA7A] and from Hammer Creek to Lewiston [SA8] to Sawtooth Expeditions, Inc., following which MSC (Miller--Baird) THAT THE BOARD APPROVE THE SALE AND TRANSFER OF BUSINESS FROM HELLS CANYON ADVENTURES TO SAWTOOTH EXPEDITIONS, INC. UPON COMPLETION OF ALL PAPERWORK INCLUSIVE OF PAYMENT OF NECESSARY FEES.

Randy Hess dba White Otter Outdoor Adventures: The Board reviewed Mr. Hess' file noting his outfitter license amendment request for the addition of float boating activities on the Snake River from Lower Salmon Falls to Bliss Dam [SN3-Hagerman Section]. In checking Board records relative to licensees on this river reach, the Board finds that there is one additional individual, Idaho Guide Service, who has been placed on the consideration list for this river reach. Following a discussion of this matter, MSC (Baird--Miller) THAT: (1) MR. HESS BE ADVISED OF THE STATUS OF INTERESTED INDIVIDUALS ON SN3; (2) THAT HIS NAME WOULD BE PLACED ON THE CONSIDERATION LIST FOR SN3; (3) THAT MR. OLIN GARDNER BE CONTACTED TO DETERMINE HIS CURRENT INTEREST IN BEING LICENSED ON SN3; AND (4) UPON RECEIPT OF APPROPRIATE OPERATING PLANS FROM MR. GARDNER, IF HE IS STILL INTERESTED, THE BOARD WOULD SELECT A LICENSEE IN ACCORDANCE WITH RULE 28. FURTHER, THAT IF PAPERS ARE RECEIVED IN TIME TO ENABLE THE BOARD TO DO SO, A SELECTION WOULD BE MADE AT ITS NEXT BOARD MEETING THE WEEK OF JUNE 20.

River Adventures, Ltd./Discovery River Expeditions, Inc.: The Board reviewed the file and letters submitted by Messrs. Cook, Hinkley, and Whitten, the Managing Agents for the companies involved for continuation of their joint venture of a combination boat/trailride activity within their respective areas of operation. Following a discussion of this request, MSC (Miller--Crane) THAT THE BOARD APPROVE THIS REQUEST AND THAT THE INDIVIDUALS BE ADVISED TO SUBMIT A YEAR-TO-YEAR REQUEST FOR AUTHORIZATION OF THIS ACTIVITY BETWEEN THE PARTIES INVOLVED.

James R. Wyatt dba Snake River Jake Excursions: The Board reviewed Mr. Wyatt's outfitter license application for power boating operations on the Snake River--Hells Canyon Dam to Lewiston [SN8] and on the Salmon River--Hammer Creek to Lewiston [SA8] and further notes that this matter came before the Board at its March 30, 1988 meeting with Board action being to table any further action pending outcome of investigation regarding the license application, following which MSC (Miller--Baird) THAT THE BOARD BRING BACK FOR RE-CONSIDERATION THE TABLED MOTION AS SET FORTH IN THE MARCH 30, 1988 BOARD MINUTES.

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James R. Wyatt dba Snake River Jake Excursions: The Board in consideration of prior action taken for re-consideration of the tabled motion as regards Mr. Wyatt's outfitter license application for the conduct of power boating activity on the Snake River from Hells Canyon Dam to Lewiston [SNB] and on the Salmon River from Hammer Creek to Lewiston [SAB], MSC (Miller--Baird) THAT: (1) THE BOARD RE-AFFIRM ITS POSITION AS STATED IN THE MARCH 30, 1988 MINUTES THAT THERE IS NO SPACE AVAILABLE ON THE SNAKE RIVER FROM HELLS CANYON DAM TO LEWISTON [SNB] AND THUS HIS APPLICATION FOR POWER BOATING ON SNB IS DENIED; (2) PURSUANT TO INVESTIGATION REGARDING LICENSING OF POWER BOATING ACTIVITIES ON SAB AND UPON RECOMMENDATION BY THE BUREAU OF LAND MANAGEMENT THAT NO FURTHER POWER BOATING ACTIVITIES BE LICENSED ON THIS RIVER REACH, THAT MR. WYATT'S APPLICATION FOR POWER BOATING ON SAB IS DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(4&5) AND IDAHO OUTFITTERS AND GUIDES BOARD RULE NOS. 5 & 19.

Wild River Outfitters, Inc./Richard Cook, M.A.: The Board reviewed Mr. Cook's file in relation to his request to purchase the Rio Runners, Inc. float boating operation on the Salmon River from the Middle Fork to Spring Bar [SA6] to note that by action taken March 30, 1988 the Board tabled action on Mr. Cook's license request pending investigation of alleged violation of the Outfitters and Guides Act, following which and upon advice of Board counsel, MSC (Miller--Crane) THAT: (1) PRIOR BOARD ACTION BE AFFIRMED FOR CONTINUANCE OF TABLING ANY ACTION ON MR. COOK'S REQUEST UNTIL INVESTIGATION/CITATION MATTERS HAVE BEEN RESOLVED; AND (2) MR. COOK BE ADVISED HE CAN CONTINUE TO OPERATE HIS BUSINESS AS LICENSED FOR THE 1987-1988 LICENSE YEAR UNDER THE IDAHO ADMINISTRATIVE PROCEDURES ACT UNTIL THE BOARD TAKES FINAL ACTION ON THIS MATTER.

The Board recessed at 1700 hours and reconvened on Friday, May 13, 1988 at 0830 hours with all members present.

Quaker Hill Conference, Inc./Mike Crevelt, M.A.: The Board reviewed Mr. Crevelt's file and outfitter license amendment request for technical mountaineering noting that said request had previously been approved pending the receipt of credentials of either a qualified guide to conduct this activity or for Mr. Crevelt to become qualified himself. Subsequently, Mr. Crevelt submitted a resume of his experience which, in turn, has been submitted to the Board's technical committee. Said committee finds Mr. Crevelt's experience lacking the qualifications to be licensed for conduct of technical mountaineering activities. With this in mind, MSC (Miller--Crane) THAT THE BOARD RE-AFFIRM

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ITS POSITION TO NOT ISSUE A LICENSE AMENDMENT FOR THIS ACTIVITY UNTIL SUCH TIME AS MR. CREVELT EITHER (1) BECOMES QUALIFIED AS A TECHNICAL MOUNTAINEERING GUIDE WITH SUBMISSION OF AN UPDATED RESUME AND APPROPRIATE LETTERS OF REFERENCE FROM INDIVIDUALS KNOWLEDGEABLE OF HIS EXPERIENCE LEVEL, OR (2) EMPLOYS A QUALIFIED GUIDE FOR CONDUCT OF SAID ACTIVITY. FURTHER, THAT THE AMENDED AREA OF OPERATION BE APPROVED.

Rick Barker: The Board reviewed Mr. Barker's file noting his application to become licensed as a qualified guide for the conduct of technical mountaineering/rock climbing and further noting the recommendation of the technical committee as to his experience as being well qualified, following which MSC (Miller--Crane) THAT MR. BARKER'S REQUEST TO BE LICENSED TO GUIDE FOR TECHNICAL MOUNTAINEERING/ROCK CLIMBING ACTIVITIES BE APPROVED.

Jeff & Kellie Erwin Rhoads: The Board reviewed the Rhoads' guide license applications requesting being qualified for the conduct of technical mountaineering/rock climbing and also noted the recommendation by the technical committee that these individuals are highly qualified for the conduct of same, following which MSC (Miller--Vaughn) THAT THESE GUIDE LICENSE APPLICATIONS BE APPROVED FOR THE CONDUCT OF TECHNICAL MOUNTAINEERING/ROCK CLIMBING.

Dave Helfrich River Outfitters, Inc./Dave Helfrich, M.A. + Policy re: Rule 53: The Board reviewed Mr. Helfrich's file and request for a waiver of Rule 53. Following a consideration of this request and a discussion of this matter, MSC (Miller--Baird) THAT THE WAIVER OF RULE 53 BE GRANTED AS REQUESTED BY MR. HELFRICH IN HIS LETTER TO THE BOARD DATED APRIL 27, 1988 WITH ATTACHMENT THERETO FROM THE INDIVIDUAL WISHING TO PARTICIPATE IN THE BOATING EXPERIENCE, WITH THE EXCEPTION THAT MR. ROBERT G. BUMSTEAD NOT BE ALLOWED TO CARRY ANY PASSENGERS WITH HIM IN THE BOARD DURING THE COURSE OF THE BOATING EXPERIENCE. FURTHER, THAT IN THIS LETTER OF APPROVAL FOR WAIVER OF RULE 53 AND ALL OTHER LETTERS FROM THE BOARD IN WHICH A WAIVER OF RULE 53 IS GRANTED, THE FOLLOWING STATEMENT SHOULD BE MADE FOR THE ATTENTION OF THE AFFECTED OUTFITTER: "THIS APPROVAL OF WAIVER OF RULE 53 ON THE STIPULATION THAT THE OUTFITTER REQUESTING SAID WAIVER ASSUMES ALL RESPONSIBILITY AND LIABILITY FOR THE SAFETY, HEALTH, AND WELFARE OF THE CLIENT WHILE SAID CLIENT IS ON THE RIVER IN THE CONDUCT OF THE APPROVED ACTIVITY AND IF THE OUTFITTER IS NOT WILLING TO ASSUME THE RESPONSIBILITY AND LIABILITY FOR THE CONDUCT OF THE APPROVED WAIVER OF RULE 53, THE BOARD APPROVAL OF SUCH WAIVER IS NULL AND VOID."

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Outdoor Adventures, Inc./Bob Doppelt, M.A.: The Board reviewed the letter submitted by Sarah Hamilton requesting a waiver to Rule 53 under the name of Outdoor Adventures, Inc. Following a review of Ms. Hamilton's letter and telephone conversation by and between the Board and Mr. Doppelt on this date in which he indicated he did not wish this waiver be granted, MSC (Miller--Baird) THAT SARAH HAMILTON'S REQUEST FOR WAIVER OF RULE 53 IN THE NAME OF OUTDOOR ADVENTURES, INC. NOT BE APPROVED AND THAT A COPY OF THIS LETTER SHOULD BE SENT TO BOB DOPPELT.

Idaho Guide Service, Inc./Olin Gardner, M.A.: The Board reviewed Idaho Guide Service's file regarding the complaint against the company as submitted by Lillian E. Vitolo of Anchorage, Alaska, noting that Idaho Guide Service/Olin Gardner are not currently licensed by the Board, following which the Board directs that this matter be referred to the Idaho Outfitters and Guides Association for its consideration and resolution of the problem in that it appears that the bond may be involved.

Northwest River Company/Doug Tims, M.A.: Let the record show that the paperwork submitted by Mr. Tims was in completion of the necessary paperwork for his purchase of the float boating business on the Selway River--Paradise Campground to Selway Falls [SE1].

JAMK Company/Jim Criner, M.A.: The Board reviewed Mr. Criner's file to note that he has not as yet submitted the necessary paperwork for completion and issue of his outfitter license and further noted his amendment request to add float tube fishing on Henry's Lake. Following a discussion of this matter, MSC (Vaughn--Crane) THAT A LETTER BE ADDRESSED TO MR. CRINER STATING THAT: (1) AN AMENDMENT REQUEST IS INAPPROPRIATE UNTIL SUCH TIME AS HE HAS COMPLETED HIS PAPERWORK WITH AN OUTFITTER LICENSE ISSUED; (2) THAT FLOAT TUBE FISHING ON HENRY'S LAKE IS AN ACTIVITY NOT LICENSED BY THE BOARD; AND (3) THAT THE BOARD IS NOT ACCEPTING APPLICATIONS FOR CHARTER BOAT FISHING ACTIVITIES ON IDAHO'S LAKES AND RESERVOIRS UNTIL SUCH TIME AS THE ACTIVITY IS ADDRESSED AND FINALIZED THROUGH FORTHCOMING RULES-MAKING PROCEDURES SCHEDULED FOR COMPLETION IN AUGUST 1988.

Sierra Western River Guides/Jay Verle Duerdon, M.A.: The Board reviewed Sierra Western River Guides' file relative to their request for a waiver of late fee and the reasons submitted therefor. Following a discussion and a consideration of this matter, MSC (Vaughn--Baird) THAT A LATE FEE BE IMPOSED AND THAT IT BE APPLICABLE TO THE OUTFITTER LICENSE AND NOT THE MANAGING AGENT'S LICENSE.

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James H. Katz dba James Henry River Journeys: The Board reviewed Mr. Katz's file regarding his request for waiver of Rule 38.a. Following a discussion of this matter and in keeping with a telephone conversation by and between Mr. Katz and Hank Miller to clarify the status of lead boatmen involved in the trips, MSC (Miller--Vaughn) THAT MR. KATZ'S REQUEST FOR WAIVER OF RULE 38.a. BE GRANTED ON THE CONDITION THAT IT BE IMPLEMENTED IN ACCORDANCE WITH THE CRITERIA AS SET FORTH IN MR. KATZ'S LETTER TO THE BOARD DATED MAY 6, 1988, WITH THE ADDITION THAT IN ACCORDANCE WITH THE TELEPHONE CONVERSATION BY AND BETWEEN MESSRS. MILLER AND KATZ THAT SINCE MORE THAN ONE TRAINEE IS GOING TO BE IN EACH BOAT, EACH TRAINEE HAVE A BOARD APPROVED TRAINING CARD IN HAND PRIOR TO THE TRIP.

Backroads Bicycle Touring, Inc./Tom Hale, M.A.: The Board reviewed the outfitter license application submitted by Backroads Bicycle Touring, Inc. asking for a determination and judgment as to whether their proposed activities within the state of Idaho falls within or outside the purview of the Outfitters and Guides Act. Following a consideration and discussion of this matter, MSC (Vaughn--Baird) THAT SAID ACTIVITIES AS SUBMITTED TO THE BOARD DO, IN FACT, FALL WITHIN THE PURVIEW OF THE ACT AND THAT BACKROADS BICYCLE TOURING, INC. SHOULD, THEREFORE, BECOME A LICENSED IDAHO OUTFITTER WITH MR. TOM HALE AS THE MANAGING AGENT, PENDING THE SUBMISSION OF ADDITIONAL PAPERWORK REGARDING THE QUALIFICATIONS OF BOTH THE COMPANY AND MR. HALE TO BE LICENSED IDAHO OUTFITTERS AND GUIDES. FURTHER, THAT THIS APPROVAL IS CONTINGENT UPON SUBMISSION OF THE NECESSARY PAPERWORK, PAYMENT OF FEES, SUBMISSION OF A VALID FIRST-AID CARD, BOND, AND OTHER NECESSARY PAPERWORK FOR THE ISSUE OF LICENSES INVOLVED PLUS AN INTERVIEW BEFORE THE BOARD.

Libby L. Mitcham: The Board reviewed Ms. Mitcham's 1988-1989 guide license application noting her conviction of one Fish and Game violation and a citation for another violation of Idaho Fish and Game law, namely possession of an illegally taken elk. Following a consideration of these matters, MSC (Baird--Vaughn) THAT MS. MITCHAM'S GUIDE LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS ACTION IS AS FOUND IN IDAHO CODE 36-2109(c) AND 36-2113(a)(6).

American River Touring Association/Steve Welch, M.A.: The Board reviewed ARTA's file and request for a "special dispensation regarding the use of a two-man inflatable kayak". Following a discussion of this matter by the Board and a telephone conversation by and between Hank Miller and Mr. Welch, MSC (Miller--Baird) THAT THE BOARD NOT APPROVE ARTA'S REQUEST FOR ALLOWING TWO PASSENGERS IN INFLATABLE KAYAKS AND THAT THE BOARD DOES NOT HAVE ANY PROBLEMS WITH USING ONE PASSENGER IN AN INFLATABLE KAYAK.

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Kurt W. Selisch dba Middlefork Wilderness Outfitters: The Board reviewed Mr. Selisch's file noting his request for an exception to Rule 53.a. as requested in his letter to the Board dated May 3, 1988. Following a discussion and in consideration of this matter, MSC (Baird--Miller) THAT MR. SELISCH'S REQUEST FOR A WAIVER TO RULE 53.a. NOT BE APPROVED.

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

Proposed Rules Package: The Board reviewed the draft copy of the proposed rules following which MSC (Baird--Crane) THAT THE BOARD AGAIN REVIEW A SUBSEQUENT DRAFT OF THE PROPOSED RULES WITH FINAL APPROVAL AT ITS JUNE MEETING. FURTHER, THAT THE FOLLOWING SCHEDULE OF TIMES AND PLACES FOR PUBLIC HEARINGS FOR ADOPTION OF THE PROPOSED RULES PACKAGE BE: THAT THREE PUBLIC HEARINGS BE HELD AND SCHEDULED FROM 3:00 P.M. TO 5:00 P.M. AND FROM 7:00 P.M. TO 9:00 P.M. IN THE FOLLOWING SEQUENCE AND PLACES - (1) COEUR d'ALENE ON AUGUST 17TH; (2) IDAHO FALLS ON AUGUST 18TH; AND (3) BOISE ON AUGUST 19TH. FURTHER, THAT THE ADMINISTRATIVE SECRETARY BE INSTRUCTED TO SET UP HEARING ROOMS AND MOTEL ACCOMMODATIONS ACCORDINGLY.

All Board business having been concluded, the Board adjourned at 1500 hours.


WILLIAM R. MEINERS, Chairman of the Board

ATTEST:


LINDA L. ELWOOD, Administrative Secretary