

MINUTES

IDAHO OUTFITTERS AND GUIDES BOARD Boardroom - Boise, Idaho

June 20-24, 1988

A regular meeting of the Idaho Outfitters and Guides Board convened at 0830 hours on Monday, June 20, 1988 with all member present.

Minutes: Following a review of the Minutes of the May Board meeting, MSC (Miller--Vaughn) THAT THE MINUTES BE APPROVED.

Minutes: Following a review of the Minutes of the special Board meeting held June 1, 1988, MSC (Baird--Vaughn) THAT THE MINUTES BE APPROVED AS CORRECTED.

Complaint Files: The Board reviewed the complaint files and directed the Chairman to take appropriate action to answer said complaints.

Fiscal Reports: The Board reviewed the report through May 1988 as well as the expenditures for the month of May 1988, following which MSC (Miller--Baird) THAT THE FISCAL REPORT BE APPROVED.

1989 Legislation: The Board reviewed the May 23, 1988 letter from the Governor's office requesting information as to whether the Board has any proposed legislation for the 1989 Legislative session. Following a discussion of this matter, the Board directs that a letter be addressed to Mr. Mitchell of the Governor's office stating that the Board does not have any proposed legislation nor is it aware of any legislation being proposed by other groups at this time.

Affirmative Action Plan: The Board reviewed the memo from the Governor's office requesting a copy of the Board's affirmative action/equal opportunity policy with said report to be submitted by September 1, 1988. Following a discussion of this matter, the Board directs that a letter be addressed to the Governor's office in accordance with the policy wherein our agency has less than fifteen (15) employees and, therefore, only need to submit a copy of our AA/EEO policy.

IDWR-Snake River Basin Adjudication: The Board reviewed the June 17, 1988 letter from the Idaho Department of Water Resources (IDWR) as regards "Filing of a Notice of Claim to the Use of Water in the Snake River Basin Adjudication, Twin Falls County Civil No. 39576" following which it is the Board's position that it is not involved in these proceedings and no further action is required.

American Red Cross Cards: The Board reviewed the matter of the change in status of issue of Standard Multimedia first aid cards by the American Red Cross and in consideration of the fact that this is still a fluid situation and a further fact that our Rules and Regulations are such that we can adjust to what ultimate decision the Red Cross might make, the Board directs that no further action be taken in this regard until such time as it has a firm American Red Cross position regarding the issue of first aid cards.

POLICY-Area Descriptions: The Board reviewed the suggestion made by Hank Miller regarding the worded area descriptions. Following a discussion of this modification of area descriptions, MSC (Miller--Crane) THAT THE SPECIES DESIGNATIONS BE ENUMERATED ON THE AREA DESCRIPTIONS TOGETHER WITH FISHING AND CHUKAR HUNTING ASSIGNED TO THE APPROPRIATE RIVER SECTIONS.

Bureau of Land Management/MOU: The Board met with Messrs. Joe Zimmer and George Weiskercher regarding the proposed Memorandum of Understanding by and between the Board and the BLM regarding the conduct of outfitting and guiding activities on public lands in the issue of appropriate licenses and special use permits therefore. Following a review of the proposed MOU and discussion of this matter, MSC (Crane--Miller) THAT: (1) THE BOARD CONCUR IN AND APPROVE THE MEMORANDUM OF UNDERSTANDING FOR CONDUCT OF OUTFITTING AND GUIDING ACTIVITIES BY AND BETWEEN THE BOARD AND THE BUREAU OF LAND MANAGEMENT; AND (2) THE CHAIRMAN BE AUTHORIZED TO SIGN SAID MEMORANDUM OF UNDERSTANDING EFFECTIVE UPON SIGNATURE OF ALL PARTIES THERETO.

POLICY-Guide Licenses: The Board discussed Hank Miller's suggested modification of the Guide License Form to emphasize the necessity that a guide need be licensed by an employing outfitter. Following a discussion of this matter, it is the Board's position that the current statement appearing on the Guide License which reads: "This guide license is valid only when employed by a licensed outfitter and for those activities identical to those licensed to the employing outfitter within the areas and/or river segments for which the employing outfitter is licensed." be modified to show the opening statement: "THIS GUIDE LICENSE IS VALID ONLY WHEN EMPLOYED BY A LICENSED OUTFITTER." This to appear in caps rather than in lower case letters to emphasize the fact that such guide has to be in the employment of a licensed Idaho outfitter and that the remainder of the statement remain on the license as currently shown.

Milt Butler: The Board reviewed Mr. Butler's Outfitter License Amendment Request for the addition of fishing, trailrides, and the hunting of elk/deer/sheep/antelope/bear/cougar in portions of Fish and Game Management Unit #50 which lie adjacent to his

current licensed area. Following a review of Mr. Butler's file and amendment request together with recommendations made by the Idaho Department of Fish and Game and former Board actions regarding other license requests for the area in questions, MSC (Baird--Vaughn) THAT MR. BUTLER'S OUTFITTER LICENSE AMENDMENT REQUEST BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(4&5), IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS NO. 19.g.

Wilderness Trails, Inc./George Michael Smith, MA: The Board reviewed Mr. Smith's Outfitter License Amendment Request for the addition of trailriding and bear hunting activities on the company's privately owned lands located near Lowell, Idaho. Following a review of the file regarding Mr. Smith's outfitter amendment request and input from the Idaho Department of Fish and Game regarding their concern for licensing of black bear hunting in this area, MSC (Crane--Vaughn) THAT: (1) TRAILRIDING ACTIVITIES ON MR. SMITH'S PRIVATELY OWNED LANDS BE APPROVED; AND (2) BEAR HUNTING ON MR. SMITH'S PRIVATELY OWNED LANDS BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(4&5) AND IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS NO. 19.b.& g.

Andre K. Molsee dba Shattuck Creek Ranch & Outfitters: The Board reviewed Mr. Molsee's Outfitter License Amendment Request for additional area in which to hunt cougar in portions of Fish and Game Management Unit #8A. Following a review of the file and this amendment request and noting the letter of recommendation from the Idaho Department of Fish and Game and lack of landowner's approval for the conduct of said activities, MSC (Vaughn--Miller) THAT MR. MOLSEE'S AMENDMENT REQUEST BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODD 36-2109(b)(5) AND IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS NO. 19.

A. W. Angell: The Board reviewed Mr. Angell's Outfitter License Amendment Request for the hunting of elk and deer in Fish and Game Management Unit #60A. Following a review of Mr. Angell's request and recommendations by the BLM and the Idaho Department of Fish and Game, MSC (Vaughn--Baird) THAT: (1) MR. ANGELL'S AMENDMENT REQUEST FOR THE ADDITION OF ELK AND DEER HUNTING IN FISH AND GAME MANAGEMENT UNIT #60A BE APPROVED; AND (2) THE AREA DESCRIPTION SHALL BE THE ONE AND SAME AS FISH AND GAME MANAGEMENT UNIT #60A BEGINNING AT SPENCER, IDAHO.

Harvey Whitten dba Whitten Guide Service: The Board reviewed Mr. Whitten's Outfitter License Amendment Request for the addition of elk and deer hunting in Fish and Game Management Units #19A and #23. Following a review of the amendment request and discussion of Idaho Department of Fish and Game recommendations, MSC

(Baird--Vaughn) THAT: (1) ELK AND DEER HUNTING ON PUBLIC LANDS ADMINISTERED BY THE BLM (MARSHALL MOUNTAIN AREA) BE APPROVED; (2) THE AREA DESCRIPTION AS SUBMITTED BY MR. WHITTEN IS SATISFACTORY BY INSERTION OF CADASTRAL CONTROL, NAMELY THE SECTION LINE COMMON TO SECTIONS 12/13, T24N, R5E, BM; AND (3) ELK AND DEER HUNTING REQUESTED FOR THAT AREA DESCRIBED BY MR. WHITTEN AS AREA 2 BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(5), IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS NO. 19.g., AND IN ACCORDANCE WITH IDAHO DEPARTMENT OF FISH AND GAME RECOMMENDATION LETTER DATED MAY 13, 1988.

The Board recessed for lunch at 1155 hours and reconvened at 1315 hours.

David P. Bobbitt dba Coeur d'Alene Outfitters: The Board reviewed Mr. Bobbitt's Outfitter License Amendment Request to increase the number of elk and deer gun hunters from 20 to 30 hunters. Following a review of Mr. Bobbitt's file, recommendations made by the Idaho Department of Fish and Game, and letter of justification submitted by Mr. Bobbitt regarding his needs/requests plus his operating plan, MS (Crane--Vaughn) THAT MR. BOBBITT'S AMENDMENT REQUEST BE APPROVED. Following a second to the preceding motion, there is now a substitute motion: MSC (Baird--Meiners; Crane votes "no") THAT MR. BOBBITT'S APPLICATION FOR AN ADDITIONAL 10 GUN HUNTERS IN HIS UNIT BE DENIED ON THE BASIS THAT HE IS NOT CURRENTLY SHOWING ANY USE RECORDS THAT ANYWHERE NEAR APPROACH THE CURRENT LIMIT THAT HE HAS AND THAT THE IDAHO DEPARTMENT OF FISH AND GAME WILL CONDUCT A WINTER SURVEY THIS COMING WINTER TO DETERMINE IF THEIR HARVEST MANAGEMENT OBJECTIVES ARE BEING MET AND THAT UNTIL THAT INFORMATION IS COMPLETED, THE BOARD HOLD THE CURRENT LIMITATION ON MR. BOBBITT'S LICENSE. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(5) AND OUTFITTERS AND GUIDES BOARD RULE AND REGULATION NO. 19(b)(c)(g). [Administrative Note: The Board directs that when this letter of denial is written to Mr. Bobbitt, a question be asked as to the reason for his request for an increase in the number of gun hunters when his use records do not show that he is currently using that which he is already allocated.]

Al Lewis, Enforcement Coordinator: Mr. Lewis met with the Board to inform and update the members relative to its enforcement program.

Rulesmaking: The Board's attorney Dan Chadwick met with the Board for the balance of the afternoon to discuss the proposed rules package.

The Board recessed at 1745 hours and reconvened on Tuesday, June 21, 1988 at 0830 hours with all members present.

David L. Peterson dba Birch Creek Outfitters: The Board reviewed the correspondence relative to the David Peterson/Clarence Piche/Ramshorn Guest Ranch situation. Following a review and discussion of this matter, it is the Board's position that no further action be taken until such time as this dispute is resolved one way or the other by civil action by the parties involved.

Randy G. Baugh dba Valley Ranch Outfitters: The Board reviewed Mr. Baugh's Outfitter License Amendment Requests: (1) for the addition of hayrides on private property owned by the Idaho Rocky Mountain Ranch; and (2) for additional area located in Fish and Game Management Unit #36A in which to conduct the hunting of elk/deer/goat/sheep/bear/cougar/predator. Following a review of the file and input from the Idaho Department of Fish and Game and discussion of this matter, MSC (Vaughn--Baird) THAT: (1) MR. BAUGH'S AMENDMENT REQUEST FOR THE ADDITION OF HAYRIDES ON THE IDAHO ROCKY MOUNTAIN RANCH BE APPROVED PENDING SUBMISSION OF A WORDED AREA DESCRIPTION FOR THE PROPERTIES INVOLVED AND PERMISSION OF THE PRIVATE LANDOWNER FOR MR. BAUGH TO CONDUCT SUCH ACTIVITIES ON SAID PRIVATELY OWNED LANDS; (2) THE AMENDMENT REQUEST FOR THE CONDUCT OF ELK/DEER/GOAT/SHEEP/BEAR/COUGAR/PREDATOR HUNTING IN FISH AND GAME MANAGEMENT UNIT #36A BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(4&5) AND IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS NO. 19.9. IDAHO DEPARTMENT OF FISH AND GAME'S RECOMMENDATION BY LETTER DATED MAY 20, 1988.

Donald N. Pearsons dba Muleshoe Wilderness Camps: The Board reviewed Mr. Pearsons' file noting the Notice of Default filed by attorneys for and in behalf of Duane M. Whipple and Marie Whipple. Following a discussion of this matter, the Board directs that a letter be addressed to Mr. Donald Doane, attorney for the Whipple's requesting further information on the status of the Notice of Default as to whether any payments or other resolution of this situation has been made.

Gerald Richie: The Board reviewed Mr. Richie's file and recommendations made by the Independent Hearing Officer Jean R. Uranga regarding the denial of Mr. Richie's outfitter license. Following a discussion of Ms. Uranga's recommendations and in consideration of the file, MSC (Crane--Baird) THAT THE BOARD: (1) ADOPT THE RECOMMENDATIONS MADE BY THE INDEPENDENT HEARING OFFICER JEAN R. URANGA FOR DENIAL OF GERALD RICHIE'S OUTFITTER LICENSE; (2)

SUSPEND THE IMPOSITION OF SAID DENIAL OF MR. RICHIE'S OUTFITTER LICENSE AND PLACE HIM ON PROBATION FOR A 3-YEAR TIME FRAME, NAMELY FOR LICENSE YEARS 1988-89, 1989-90, AND 1990-91; (3) TERMS OF SAID PROBATION SHALL BE TO REQUIRE COMPLIANCE WITH ALL LOCAL, STATE, AND FEDERAL LAWS AND THAT NO AMENDMENT TO MR. RICHIE'S OUTFITTER LICENSE MAY BE MADE DURING THIS TIME-FRAME; (4) MR. RICHIE'S CLIENTELE LIST, INCLUSIVE OF NAMES, ADDRESSES AND PHONE NUMBERS, AND OTHER BUSINESS RECORDS WILL BE OPEN FOR INSPECTION BY THE BOARD AT ITS DISCRETION; (5) ANY VIOLATION OF THE TERMS OF THIS PROBATION SHALL RESULT IN THE IMMEDIATE IMPOSITION OF THE ORIGINAL DENIAL OF MR. RICHIE'S OUTFITTER LICENSE; AND (6) NO ADVERSE ACTION BE TAKEN AGAINST GERALD RICHIE'S GUIDE LICENSE.

Mike Richie: The Board reviewed Mr. Richie's file and Independent Hearing Officer Jean R. Uranga's recommendations regarding the Board's denial of Mr. Richie's guide license. Following a discussion of the Independent Hearing Officer's recommendation and review of the file, MSC (Crane--Vaughn) THAT THE BOARD: (1) ADOPT INDEPENDENT HEARING OFFICER JEAN R. URANGA'S RECOMMENDATION FOR DENIAL OF MR. RICHIE'S 1987-1988 GUIDE LICENSE; AND (2) UPON SUBMISSION OF AN APPLICATION, MIKE RICHIE BE LICENSED AS A GUIDE FOR THE 1988-1989 SEASON ON A PROBATIONARY BASIS WITH THE TERMS OF SAID PROBATION TO BE DETERMINED UPON RECEIPT OF MR. RICHIE'S APPLICATION FOR A 1988-1989 GUIDE LICENSE.

James F. Jensen: The Board reviewed Mr. Jensen's file and Independent Hearing Officer Jean R. Uranga's recommendations regarding the denial of his 1987-1988 guide license, following which MSC (Baird--Meiners) THAT THE INDEPENDENT HEARING OFFICER'S RECOMMENDATIONS REGARDING THE DENIAL OF MR. JENSEN'S 1987-1988 GUIDE LICENSE BE REJECTED AND THAT THE BOARD AFFIRM ITS PRIOR DENIAL OF MR. JENSEN'S LICENSE. A substitute motion was made by Crane and seconded by Miller THAT THE BOARD ADOPT HEARING OFFICER JEAN URANGA'S RECOMMENDATIONS REGARDING THE ISSUE OF MR. JENSEN'S 1987-1988 GUIDE LICENSE. Call for the question on the substitute motion: Crane - "Yeah"; Miller - "Yeah"; Baird - "No"; Vaughn - "No"; and Meiners - "No". Call for the question on the original motion: Crane - "No"; Miller - "No"; Baird - "Yeah"; Meiners - "Yeah"; and Vaughn - "Yeah". [Administrative Note: Mr. Jensen's money would, therefore, need to be refunded to him.]

David Powers: The Board reviewed Mr. Powers' file and in view of the Grand Jury indictments issued against Mr. Powers and pending federal court action, it is the Board's position that no further action be taken by the Board on his Outfitter License Renewal at this time.

High Country Outfitters, Inc./Quentin Selby, MA: The Board reviewed Mr. Selby's file relative to the Board's denial of his outfitter license renewal and in consideration of the file and lack of response by Mr. Selby to the Board's request for additional information, MSC (Miller--Baird; Vaughn abstains) THAT THE DENIAL OF QUENTIN SELBY/HIGH COUNTRY OUTFITTERS, INC. OUTFITTER LICENSE RENEWAL APPLICATION BE UPHELD CONDITIONED ON SELBY'S FAILURE TO RESPOND BY JUNE 30, 1988 TO THE BOARD'S REQUEST FOR ADDITIONAL INFORMATION AND SELBY'S AGREEMENT TO PROVIDE THE INFORMATION.

Sun Valley Wilderness Outfitters/R.J. Lewy, MA/Glenda Lewy: The Board reviewed the file noting the pending investigation regarding the corporation as well as Mr. Lewy's activities as Managing Agent of the corporation and took further note of Glenda Lewy's undated letter to the Board received by the Board June 9, 1988 in which she has returned her refund of fees paid to become a Managing Agent of Sun Valley Wilderness Outfitters and her further request that the Board reconsider her application. Following a discussion of this matter, MSC (Crane--Baird) THAT THE BOARD: (1) ACKNOWLEDGE RECEIPT OF GLENDA LEWY'S LETTER AND RETURN OF FEES FOR MANAGING AGENT; (2) SAID FEES THAT HAVE BEEN RETURNED TO THE BOARD BE, IN TURN, RETURNED TO GLENDA LEWY STATING THAT SAID FEES DO NOT HAVE TO BE SUBMITTED UNTIL HER APPLICATION IS COMPLETE FOR ISSUE OF LICENSE; AND (3) GLENDA LEWY BE REQUESTED TO APPEAR BEFORE THE BOARD AT ITS AUGUST MEETING TO ANSWER TO FURTHER INQUIRIES REGARDING HER RELATIONSHIP TO AND PARTICIPATION IN THE CONDUCT OF THE SUN VALLEY WILDERNESS OUTFITTERS, INC. ACTIVITIES.

The Board recessed for lunch at 1315 hours and reconvened at 1400 hours.

Lester (Zeke) West dba Whitewater Outfitters: Following a nonuse hearing before the Board regarding the revocation or suspension of Mr. West's float and power boating privileges on: (1) Clearwater River-Kooskia to Orofino [CL2]; (2) Snake River-Hells Canyon Dam to Pittsburg Landing [SN7] and Pittsburg Landing to Lewiston [SN8]; and (3) further discussion regarding the status of his float and power boating activities on the Salmon River-Vinegar Creek to Hammer Creek [SA7A] and Hammer Creek to Heller Bar and on to Lewiston [SA8]; the following findings of fact were established: (1) Mr. West submitted data during the nonuse hearing to show he exercised his float boating activities on the Clearwater River-Kooskia to Orofino [CL2]; (2) that he did

attest that he had exercised power boating use on the Clearwater River-Kooskia to Orofino [CL2] for license year 1986 but did not exercise such use in 1987 due to low water; and (3) that Mr. West does not contest the nonuse of his power boating activities on the Snake River from Hells Canyon Dam to Pittsburg Landing [SN7] and from Pittsburg Landing to Lewiston [SN8] and, therefore, relinquishes same. Following consideration of these facts, MSC (Miller--Vaughn) THAT THE BOARD: (1) ACCEPT THE SUBMITTED USE RECORDS BY MR. WEST FOR HIS POWER AND FLOAT BOATING USE ON THE CLEARWATER RIVER-KOOSKIA TO OROFINO [CL2] AND THAT HE CONTINUE TO BE LICENSED ON THIS RIVER SEGMENT FOR BOTH POWER AND FLOAT BOAT OPERATIONS; (2) ACCEPT MR. WEST'S RELINQUISHMENT OF HIS POWER BOATING ACTIVITIES ON SN7 AND SN8; AND (3) ALLOW MR. WEST THIRTY (30) DAYS FROM RECEIPT OF BOARD CERTIFIED LETTER IN WHICH TO APPROACH THE BUREAU OF LAND MANAGEMENT TO ATTEMPT RESOLVING THE CONFUSION/ CONTRADICTION IN LICENSING AND PERMITTING PROCEDURES BY AND BETWEEN THE BOARD AND THE BLM RELATIVE TO FLOAT AND POWER BOATING ACTIVITIES ON SA7A AND SA8. FURTHER, THAT: (1) UNTIL OR UNLESS MR. WEST CAN CLARIFY HIS PERMIT STATUS FOR POWER BOATING ACTIVITIES ON SA7A AND SA8 WITH THE BLM WITH PERMIT ISSUED FOR SUCH ACTIVITIES, THE BOARD WILL TAKE NONUSE ACTION AGAINST HIS LICENSE FOR REMOVAL OF THIS ACTIVITY; (2) MR. WEST BE REQUESTED TO EVALUATE HIS OUTFITTER LICENSE PROCEDURES AND MAKE SUCH CHANGES AS ARE NECESSARY TO CLARIFY THE STATUS OF LEO WEST AS MANAGING AGENT FOR THE WHITEWATER OUTFITTERS FLOAT AS A DBA UNDER LESTER WEST'S OUTFITTER LICENSE (ZEKE WEST DBA WHITEWATER OUTFITTERS); AND (3) MR. WEST BE ADVISED THAT NOT ONLY HIS LICENSE BUT HIS BOND MUST REFLECT APPROPRIATE OUTFITTER LICENSE, DBA'S, AND MANAGING AGENTS RESPECTIVE TO EACH OPERATION.

Don West: Following an interview before the Board regarding Mr. West's application to become Managing Agent for Zeke West's Whitewater Outfitters, Zeke West withdrew Don West's application for Managing Agent and will submit application for him to be licensed as a guide for the 1988-1989 season.

Stephen J. Guinn dba Whitewater Shop River Tours: Following a show cause hearing for the nonuse of certain float boating activities on the Snake River from Star Falls to Twin Falls [SN2-Murtaugh Section] and on the Payette River from Grandjean to Deadwood [PS1], the following statement of facts emerges: (1) Mr. Guinn claims that water levels on both SN2-the Murtaugh Section and PS1 have been so low as to preclude his wishing to conduct float boating activities on these river reaches; and (2) This was a management decision by Mr. Guinn based on his belief that his equipment is of a size and nature that he does not believe it is in his best interest to utilize his licensed acti-

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vity under such low water conditions. Following the interview and discussion of this matter, MSC (Vaughn--Miller) THAT THE BOARD: (1) ACCEPT MR. GUINN'S EXPLANATION OF HIS NONUSE OF FLOAT BOATING ACTIVITIES ON PS1; (2) GRANT A ONE-YEAR EXTENSION THROUGH THE 1989-1990 LICENSE YEAR, WATER CONDITIONS PERMITTING, BEFORE FURTHER BOARD ACTION IS TAKEN FOR NONUSE ON PS1; AND (3) TAKE NO ADVERSE ACTION FOR NONUSE OF FLOAT BOATING ACTIVITIES ON SN2.

Kenneth Elwood Masoner: The Board reviewed Mr. Masoner's file relative to his nonuse and scheduled show cause hearing for the conduct of float boating activities on the Selway River from Selway Falls to Lowell [SE2]. The Board took further note of Mr. Masoner's letter of June 12, 1988 to the Board regarding his explanation for his nonuse of float boating activities on SE2 and statement he would "be most happy to appear" if you deem it necessary. Additionally, the Board noted Mr. Masoner's statement that it would be inconvenient for him to appear at the scheduled show cause hearing due to conflict with planned work schedules and in consideration of the telephone conversation by and between Mr. Masoner and Board Chairman wherein the Chairman allowed the Board would review Mr. Masoner's letter (written explanation for nonuse of licensed activities) with decision as to whether the Board would accept/reject the explanation. Following a discussion of these matters, MSC (Miller--Vaughn; Vaughn & Crane voted "no") THAT THE BOARD: (1) DOES NOT FIND MR. MASONER'S LETTER OF JUNE 12, 1988 AN ADEQUATE BASIS FOR WAIVER OF COMPLIANCE WITH THE NONUSE STANDARD (RULE 22); AND (2) THAT MR. MASONER'S FLOAT BOATING ACTIVITY ON SE2 BE REVOKED AND REMOVED FROM HIS LICENSE.

Robert Donald Gregg: The Board reviewed Mr. Gregg's file relative to his nonuse and scheduled show cause hearing for the conduct of power boating on the Clearwater River from Kooskia to Orofino [CL2] and on the Salmon River from Vinegar Creek to Hammer Creek [SA7A]. The Board further noted a motion and order for continuance of nonuse and show cause hearing submitted by Mr. Gregg's attorney. Following a discussion of these matters, MSC (Miller--Vaughn) THAT THE CONTINUANCE BE GRANTED AND A SHOW CAUSE HEARING BE SCHEDULED DURING THE AUGUST BOARD MEETING.

Enforcement Matters: The Board: (1) reviewed the resume and its action relative to a Mr. John Waite of Salmon, Idaho to be employed as an investigator for the Board finding that Mr. Waite is available and apparently qualified to serve as an investigator for the Board and has been interviewed by Enforcement Coordinator Al Lewis with a recommendation that we so employ Mr. Waite. MSC (Miller--Baird) THAT THE NECESSARY PAPERWORK BE PROCESSED TO EMPLOY MR. WAITE AS AN INVESTIGATOR. (2) reviewed the proof copies of proposed Idaho Outfitters and Guides Licensing Board

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identity cards as investigator and enforcement agent, following which MSC (Crane--Baird) THAT SAID IDENTITY CARDS BE APPROVED AND THAT FIFTY (50) CARDS EACH BE PRINTED. FURTHER, THAT SAID CARDS BE ISSUED UNTIL SURRENDERED OR REVOKED.

The Board recessed at 1730 hours and reconvened on Wednesday, June 22, 1988 at 0830 hours with all members present except Ron Vaughn.

Don Ikenberry: The Board reviewed Mr. Ikenberry's letter of resignation dated June 17, 1988 following which MSC (Baird--Miller) THAT THE BOARD ACCEPT SAID RESIGNATION OF MR. IKENBERRY AND DIRECTS THAT A LETTER BE ADDRESSED TO MR. IKENBERRY THANKING HIM FOR SERVICES RENDERED.

James Henry River Journeys/James Katz, MA: Following a review of the letter submitted by Mr. Katz dated June 9, 1988 regarding his qualifications and request to become licensed as a lead boatman on the Main Salmon River-Corn Creek to Vinegar Creek [SA6], MSC (Miller--Baird) THAT THE BOARD ACCEPT THE EXPERIENCE REGISTER AS SUBMITTED BY MR. KATZ AND THAT HE BE LICENSED AS A LEAD BOATMAN UPON COMPLETION OF THE ONE (1) TRIP PROPOSED IN MR. KATZ LETTER OF JUNE 9, 1988.

Backroads Bicycle Touring, Inc./Tom Hale, MA: Mr. Hale appeared before the Board in an interview regarding Backcountry Bicycle Touring, Inc.'s outfitter license application for the conduct of business in the state of Idaho for mountain bike touring. Following the interview before the Board, MSC (Baird--Miller) THAT MR. HALE'S APPLICATION FOR AN OUTFITTING LICENSE FOR BACKROADS BICYCLE TOURING, INC. BE APPROVED AS SUBMITTED AND THAT THE LICENSES BE ISSUED PENDING COMPLETION OF ALL THE NECESSARY PAPERWORK, INCLUSIVE OF NAMES/HIRING OF QUALIFIED GUIDES. THE AREA OF OPERATION WILL BE AS SUBMITTED IN THE ITINERARY SUBMITTED BY BACKROADS BICYCLE TOURING, INC.

Backroads Bicycle Touring, Inc./Tom Hale, MA: Mr. Hale submitted the following guide license applications for Board consideration to be licensed for the conduct of mountain bike touring; namely, Karin Horvath, Patrick Griffiths, Aime Serrurier Jill Johnson, Michael Loomis, Steve Coons, Susan Parker, and Patrick Devlin. Following a review of these guide license applications, MSC (Crane--Baird) THAT SAID GUIDE LICENSE APPLICATIONS BE APPROVED PENDING COMPLETION OF PAPERWORK WITH LICENSES ISSUED EXCEPT FOR PATRICK DEVLIN WHOSE LICENSE SHOULD BE HELD UNTIL RECEIPT OF A VALID FIRST AID CARD.

Charles Keith McDaniel: Following Mr. McDaniels' interview before the Board regarding his outfitter license application for the sale and purchase of the Loren G. Rogers' power boating outfitter business on the Snake River-Hells Canyon Dam to Lewiston [SN7 & SN8], MSC (Miller--Crane) THAT SAID SALE AND PURCHASE OF THE LOREN G. ROGERS' BUSINESS BY MR. McDANIELS BE APPROVED PENDING COMPLETION OF PAPERWORK AND THAT THE ACTIVITIES SO TRANSFERRED ARE: POWER BOATING ON THE SNAKE RIVER-HELLS CANYON DAM TO PITTSBURG LANDING [SN7]; POWER BOATING ON THE SNAKE RIVER-PITTSBURG LANDING TO LEWISTON [SN8]; FISHING; AND CHUKAR HUNTING AS LICENSED ON THESE RIVER REACHES. [Administrative Note: The completion necessary for this sale and transfer of business is the submission of a performance bond, payment of fees, and receipt of release from Bud Rogers before license may be issued.]

The Board recessed for lunch at 1215 hours and reconvened at 1345 hours.

Wild River Outfitters, Inc./Richard Cook, MA: Following the interview before the Board regarding the matters of concern as relates to Mr. Cook's operations and in consideration of the information provided the Board and in review of the file, MSC (Miller--Crane) THAT THE BOARD BRING MR. COOK'S RENEWAL APPLICATION BACK BEFORE IT FOR RE-CONSIDERATION.

Wild River Outfitters, Inc./Richard Cook, MA: In view of the matter of re-consideration of Mr. Cook's outfitter license renewal applications, MSC (Miller--Crane; Baird votes "No") THAT: (1) THE BOARD APPROVE RE-LICENSING OF MR. COOK FOR THE 1988-1989 LICENSE YEAR; AND (2) THE BOARD TAKE NO FURTHER ACTION ON MR. COOK'S AMENDMENT REQUEST FOR PURCHASE AND TRANSFER OF THE RIO RUNNERS FLOAT BOATING BUSINESS UNTIL SUCH TIME AS MR. COOK HAS CLEARED THIS TRANSACTION WITH THE U.S. FOREST SERVICE ON THE SALMON RIVER--CORN CREEK TO VINEGAR CREEK [SA6].

Myrna Beamer dba Beamer's Heller Bar: Following an interview before the Board with Mrs. Beamer regarding her proposed purchase of the Lute Jerstad Adventures float boating business on the Snake River from Hells Canyon to Pittsburg Landing [SN7] and Pittsburg Landing to Lewiston [SN8] and for purchase of the A&E Investments/Ernie Duckworth, MA, for power boating activities on the Salmon River--Vinegar Creek to Hammer Creek [SA7A] and Hammer Creek to Heller Bar and on to Lewiston [SA8] and on the Snake River from Hells Canyon Dam to Pittsburg Landing [SN7] and from Pittsburg Landing to Lewiston [SN8], MSC (Miller--Baird) THAT THE BOARD APPROVE MRS. BEAMER'S REQUEST FOR PURCHASE OF THE LUTE JERSTAD FLOAT BOATING BUSINESS ON THE SNAKE RIVER SEGMENTS SN7 AND SN8 AND THE PURCHASE OF THE A&E INVESTMENTS POWER BOATING ACTIVITIES ON THE SALMON AND SNAKE RIVER SEGMENTS SA7A, SA8, SN7, AND SN8. THIS APPROVAL IS PENDING SUBMISSION AND COMPLETION OF

THE NECESSARY PAPERWORK; NAMELY A RELEASE FROM PARTIES INVOLVED, MR. JERSTAD AND MR. DUCKWORTH; SUBMISSION OF A FINANCIAL STATEMENT, UPDATE OF HER PERFORMANCE BOND, AND PAYMENT OF NECESSARY FEES.

Scott Unger: Mr. Unger met with the Board relative to his outfitter license application for the conduct of auto touring activities in the Panhandle of Idaho with a base of operation out of Coeur d'Alene, following which MSC (Baird--Miller) THAT MR. UNGER'S OUTFITTER LICENSE APPLICATION BE APPROVED PENDING COMPLETION AND RECEIPT OF NECESSARY PAPERWORK; NAMELY, (1) PROPER BOND; (2) PAYMENT OF FEES; (3) RECEIPT OF VALID FIRST AID CARD; AND (4) THAT MR. UNGER BE DEEMED QUALIFIED TO GUIDE; AND (5) THAT HIS AREA OF OPERATION WILL BE AS NOTED IN HIS APPLICATION.

Michael Murphy & Steve Lentz: Messrs. Murphy & Lentz of Two-M Outfitters, Inc. and The River Company, Inc. respectively, met with the Board regarding their petition to the Board for an amendment to Outfitters and Guides Board Rule 57 to identify the South Fork of the Boise River as a commercial water for float boating and fishing activities, MSC (Baird--Meiners) THAT THE BOARD ACCEPT THE PETITION AS SUBMITTED AND GO TO RULEMAKING PROCEDURES.

Michael J. Stockton dba Michael J. Stockton Outfitters: The Board reviewed Mr. Stockton's file in conjunction with the St. Joe Outfitters and Guides/Ed Hunt, MA file relative to the proposed sale and transfer of business by and between Messrs. Hunt and Stockton. Following a review of the files and proposed sale of business, MSC (Crane--Baird) THAT THE BOARD INITIATE RESEARCH TO ASCERTAIN THE VALIDITY OF TANGIBLE ASSETS AS ENUMERATED IN THE SALES CONTRACT, EXHIBIT A; (2) REVIEW/DETERMINE THE STATUS OF THE BASE CAMP THAT APPEARS TO HAVE BEEN IN USE BY MR. HUNT AND WHICH APPEARS TO BE OUTSIDE THE BOUNDARIES OF HIS OPERATING AREA; (3) ASSIGN AN INVESTIGATOR TO CONCLUDE THIS RESEARCH [(1) & (2)] IN A MANNER TO ENABLE BOARD REVIEW AT ITS AUGUST MEETING; AND (4) ADVISE MESSRS. STOCKTON & HUNT THAT THEY MUST SUBMIT A COMPLETED AND SIGNED CONTRACT OF SALE BEFORE THE BOARD WILL TAKE FURTHER ACTION ON THEIR PROPOSED SALE AND TRANSFER OF BUSINESS.

Ron Dickemore: The Board reviewed reviewed the letter dated May 2, 1988 from Mr. Dickemore, District Ranger of the Palisades Ranger District-Targhee National Forest, regarding his recommendations to the Board for licensing of charter boat fishing operators on the Palisades Reservoir for inclusion in the Board's rulesmaking process. The Board also reviewed Mr. Dickemore's letter of June 4, 1988 in which he asks the Board to approve the recommendation and issue licenses as recommended. Following a discussion of this situation, the Board directs that a letter be

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addressed to Mr. Dickemore to: (1) thank him for the Forest Service's recommendations as enumerated in his letter of May 2, 1988; (2) advise him that the Board will take these recommendations and go to rulesmaking under the states's Administrative Procedures Act with public hearings held August 17, 18, and 19 (Idaho Falls on August 19th) with adoption of said rules by September 1988; and (3) advise him that the Board cannot summarily approve the recommendations as made in his letter of May 2, 1988 without proper processing under the state Administrative Procedures Act which may or may not result in the same numbers and limitations of outfitters being licensed as was recommended. Thus, the Board affirms its moratorium for licensing on Idaho's lakes and reservoirs until such time as the rulesmaking procedures have been concluded.

H. Spence Warner: The Board reviewed Mr. Warner's amendment request for the conduct of fishing and scenic boat tours on Palisades Reservoir. Following a review of this request, the Board directs that a letter be addressed to Mr. Warner advising him that: (1) it cannot honor his amendment request until such time as the licensing of charter boat fishing operators has been addressed in rulesmaking procedure which is anticipated to be concluded by September 1988; and (2) his name will be placed on the waiting list as an interested license applicant on Palisades Reservoir; and (3) since Mr. Warner has paid the necessary amendment fees that these monies shall be returned to him.

The Board recessed at 1700 hours and reconvened on Thursday, June 23, 1988 with all members present.

Stanley Potts: The Board reviewed the correspondence received from Mr. Potts in which he requests clarification of the Board's policy with regard to special and/or permitted hunts for sheep hunting activities. Following a discussion of this matter, the Board directs that a letter be addressed to Mr. Potts to: (1) enumerate said Board policy and date of its effectiveness; (2) advise Mr. Potts that the Board recognizes that this policy may pose a problem in the future regarding bighorn or other special hunt exceptions to the exclusive hunting area criteria; and (3) that the Board will research this matter further with the possibility that it may be necessary to revoke Board policy and confine bighorn sheep hunting to those outfitters having bighorn sheep hunting on their respective licenses and restrict such outfitters to their designated areas of operation.

S Bar S Outfitters/Randy Corgatelli, MA: The Board again reconsidered S Bar S's amendment request for the addition of chukar hunting, photography trips, snorkeling, and scuba diving activities along their currently licensed portions of the Salmon River SA2 and SA3. Following a review of Mr. Corgatelli's file and the

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materials that he has submitted, MSC (Baird--Miller) THAT THE BOARD: (1) APPROVE THE CHUKAR HUNTING AND PHOTOGRAPHY TRIPS IN ACCORDANCE WITH THE CRITERIA AS SUBMITTED BY S BAR S IN THEIR LETTER TO THE BOARD DATED MAY 10, 1988; AND (2) ADVISE MR. CORGATELLI THAT AFTER REVIEW OF THE PROPOSED SNORKELING AND SCUBA DIVING ACTIVITIES, THE BOARD FINDS THAT SUCH ACTIVITIES DO NOT FALL WITHIN THE PURVIEW OF THE ACT AS DEFINED IN IDAHO CODE 36-2102 AND FURTHER ADVISE HIM THAT THIS WOULD NOT PRECLUDE HIS TAKING SUCH INDIVIDUALS ALONG AS PASSENGERS ON HIS FLOAT TRIPS ALONG THE SALMON RIVER. HOWEVER, HE WOULD BE FULLY RESPONSIBLE FOR THE SAFETY, HEALTH AND WELFARE OF SAID INDIVIDUALS IN THE CONDUCT OF THESE ACTIVITIES AND SHOULD NOT ADVERTISE THAT HE DOES OFFER THESE ACTIVITIES IN CONJUNCTION WITH HIS FLOAT TRIPS. [Administrative Note: On area descriptions, chukar hunting is in association with his float trips along the river corridors on SA2 and SA3 only. On photography trips we need to check submitted materials to see if there is sufficient information by which a description can be formulated. If not, we will need to go back to Mr. Corgatelli for a further description.]

Teton Valley Lodge, Inc./Randy Berry, MA: The Board reviewed Mr. Berry's file noting the correspondence received from Mr. Berry relative to his use reports and his further comments of his relinquishment of trailriding in the Big Hole Mountains. Following a discussion of this matter, MSC (Baird--Vaughn) THAT THE BOARD ACCEPT THE RELINQUISHMENT OF MR. BERRY'S TRAILRIDING ACTIVITY.

John J. Krause: Mr. Krause met with the Board to review his May 26, 1988 letter to the Board outlining his recommendations to update the Board's computer system, equipment, and programming needs.

Albert Tilt III: The Board reviewed Mr. Tilt's outfitter amendment request for the addition of snowmobiling in Fish and Game Management Unit 62 adjacent to the Idaho/Wyoming line. A review of the file and Mr. Tilt's requests finds that the area description for the conduct of snowmobiling within the state of Idaho is comprised of either privately owned or Bureau of Land Management administered lands with no Forest Service lands involved. Following a discussion of this matter, the Board directs that a letter be addressed to Mr. Tilt advising him of this fact and, therefore, he would need to contact the BLM as well as the private landowners and submit evidence from these parties as to their approval for the conduct of snowmobiling in the area before the Board can take any further action on his amendment request.

Jim Daude dba Gospel Mountain Outfitters: The Board met with Mr. Daude regarding his outfitter amendment request for the addition of elk/deer/bear hunting in portions of Fish and Game Management Unit 14. Following the interview before the Board and in discussion of his amendment request, the Board directs that a letter be addressed to Mr. Daude confirming the discussion before the Board; namely: (1) the Board would initiate research on his request with the Idaho Department of Fish and Game to seek its recommendation regarding his request; (2) that Mr. Daude would submit letter(s) or other evidence of permission from the private landowner(s) in the area for his access across and/or hunting of their lands within his requested area of operation; (3) that Mr. Daude will contact the BLM relative to the use of public lands in the area; (4) it is the Board's understanding that Mr. Daude's request for bear hunting is for incidental fall bear hunting only; and (5) that Mr. Daude's primary interest is for the hunting of elk with almost incidental muledeer hunting and no interest in whitetail hunting. In conclusion, the Board will make every attempt to conclude its research with a decision rendered at its August meeting.

Rex A. Spackman: The Board reviewed Mr. Spackman's outfitter license application for the conduct of meatpacking activities principally in Fish and Game Management Unit 66A. Following a review of Mr. Spackman's application and discussion of this matter, following which MSC (Baird--Crane) THAT MR. SPACKMAN'S OUTFITTER LICENSE APPLICATION BE DENIED. FURTHER, THAT A LETTER BE ADDRESSED TO MR. SPACKMAN ADVISING HIM THAT THERE IS AN ALREADY CURRENTLY LICENSED IDAHO OUTFITTER IN THE AREA PROVIDING THE SERVICES WHICH HE IS PROPOSING TO PROVIDE AND THAT THE BOARD DOES NOT STACK OR LICENSE MORE THAN ONE INDIVIDUAL TO PROVIDE SERVICES TO BIG GAME HUNTING CLIENTELE WITHIN A GIVEN LICENSED AREA. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(4&5) AND OUTFITTERS AND GUIDES BOARD RULE AND REGULATION NO. 19.f.

The Board recessed for lunch at 1150 hours and reconvened at 1315 hours.

Pete Kisling/Teton Expeditions of Wyoming: The Board met with Mr. Kisling regarding his proposed purchase of the Glen Foster Wyoming portion of Teton Expeditions' outfitting and guiding business located at Alpine, Wyoming. Following an interview before the Board regarding this proposed sale and transfer of business between Teton Expeditions/Glen Foster, MA to Pete Kisling dba Teton Expeditions Wyoming, MSC (Vaughn--Baird) THAT THE PROPOSED SALE AND TRANSFER OF BUSINESS BY AND BETWEEN TETON EXPEDITIONS/GLEN FOSTER, MA TO PETE KISLING DBA TETON EXPEDITIONS

WYOMING BE APPROVED PENDING THE RECEIPT AND COMPLETION OF NECESSARY PAPERWORK WITH REVIEW BY THE CHAIRMAN AS TO ITS COMPLETENESS AND ACCEPTANCE TO THE BOARD FOR TRANSFER OF LICENSE.

American River Touring Association/Stephen Welch, MA: The Board reviewed ARTA's file noting the correspondence from Mr. Welch in which he indicates that ARTA would be willing to relinquish their float boating activities on the Selway River from Selway Falls to the confluence [SE2], following which MSC (Miller--Crane) THAT THE BOARD ACCEPT SAID RELINQUISHMENT.

Kenneth L. Smith dba 62 Ridge Outfitters: The Board reviewed Mr. Smith's file regarding the alleged nonuse of power boating activities on the Clearwater River from Kooskia to Orofino [CL2]. Following a discussion of this matter and in review of the files of various operators involved, MSC (Miller--Baird) THAT: (1) THE BOARD NOT TAKE ADVERSE ACTION AGAINST KENNETH L. SMITH FOR NONUSE OF THE CLEARWATER RIVER FROM KOOSKIA TO OROFINO [CL2]; AND (2) AS A BOARD POLICY THE ADMINISTRATIVE STAFF BE INSTRUCTED THAT REPORTED NONUSE OF POWER BOATING ACTIVITIES ON THE CLEARWATER RIVER FROM KOOSKIA TO OROFINO [CL2] NOT BE DEEMED IN THE NONUSE CATEGORY FOR THE NEXT THREE LICENSE YEARS, NAMELY THE 1988-1989, THE 1989-1990, AND THE 1990-1991 LICENSE YEARS UNLESS THERE IS A CHANGE IN THIS CLASSIFICATION MADE BY THE IDAHO DEPARTMENT OF FISH AND GAME RELATIVE TO THE USE OF POWER BOATS ON THIS RIVER SEGMENT WHICH WOULD OPEN THIS TO SUCH USE.

Peter H. Grubb dba River Odysseys West: The Board reviewed Mr. Grubb's file noting his letter of inquiry as to the status of his licensing on the Clearwater River from Lowell to Kooskia [CL1] and his request for licensing on the Selway River from Selway Falls to the confluence [SE2]. Following a review of the file and discussion of Mr. Grubb's letter, MSC (Miller--Crane) THAT THE BOARD ADDRESS A LETTER TO MR. GRUBB ADVISING HIM THAT THE BOARD DID, INDEED, LICENSE HIM IN ACCORDANCE WITH HIS REQUEST FOR FLOAT BOATING ACTIVITIES ON THE CLEARWATER RIVER--LOWELL TO KOOSKIA [CL1] BUT DID NOT LICENSE HIM FOR SIMILAR ACTIVITIES ON THE SELWAY RIVER FROM SELWAY FALLS TO THE CONFLUENCE [SE2] AND THAT, INSTEAD, HIS NAME WAS PLACED ON THE CONSIDERATION LIST FOR LICENSING ON THIS RIVER REACH AT SUCH TIME AS THE BOARD TAKES ACTION TO INITIATE THE SELECTION PROCESS FOR QUALIFIED OUTFITTERS FOR THIS RIVER REACH, NAMELY SE2.

Rebecca Thoreson dba Sun Valley Summer Downhill: The Board met with Mrs. Thoreson and her husband Mark regarding their outfitter license application for the conduct of bicycling activities in the area in and around Ketchum and Sun Valley, Idaho. Following the interview and discussion of their proposed activities, MSC

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(Crane--Baird) THAT REBECCA THORESON DBA SUN VALLEY SUMMER DOWN-HILL'S OUTFITTER LICENSE APPLICATION BE APPROVED FOR THE CONDUCT OF BICYCLING ACTIVITY PENDING THE COMPLETION OF NECESSARY PAPERWORK, NAMELY PAYMENT OF FEES, NECESSARY BOND, AND A RECORDED AREA DESCRIPTION, INCLUSIVE OF LAND MANAGER (FOREST SERVICE) APPROVAL. UPON RECEIPT OF SAID MATERIALS THE LICENSE IS TO BE ISSUED. FURTHER, THAT REBECCA THORESON BE QUALIFIED TO GUIDE.

Randall Lemburg: The Board received a telephone call from Mr. Lemburg requesting clarification as to the status of his outfitter license stating that at the moment he cannot meet physical examination requirements for obtaining a Coast Guard license. Therefore, he requests that his outfitter license be issued with charter boat fishing held until such time as he can submit a valid Coast Guard license. Also, he requested a copy of the names of other licensed outfitters on Priest Lake together with their licensed guides and a requested waiver of late fee for issue of said outfitter license. Following a discussion of this matter, MSC (Vaughn--Baird) THAT MR. LEMBURG'S REQUEST BE GRANTED WITH: (1) THE OUTFITTER LICENSE ISSUED; (2) COPIES OF OTHER LICENSED OUTFITTERS AND GUIDES BE PROVIDED; AND (3) A WAIVER OF LATE FEE IS APPROVED.

Lonnie G. Anderson: The Board interviewed Mr. Anderson relative to his resume and application for consideration to be employed as an Enforcement Investigator/Agent for the Board. Following the interview, the Board approved Mr. Anderson as qualified for employment to fill an enforcement position at such time as such position would become available and that his name be added to the consideration list for such employment.

The Board recessed at 1655 hours and reconvened on Friday, June 24, 1988 at 0800 hours with all Board members present.

Randy P. Hess dba White Otter Outdoor Adventures: The Board reviewed Mr. Hess' file and again considered his outfitter license amendment request for the addition of float boating on the Snake River from Lower Salmon Falls to Bliss Dam [Hagerman Section--SN3]. The Board further noted that it had previously considered this application and had contacted the other individual on the consideration list. The Board noted that the other applicant has not responded to the Board's inquiry as to their continued interest in SN3. Following a discussion of this matter, MSC (Baird--Crane) THAT MR. HESS BE APPROVED FOR THE CONDUCT OF FLOAT BOATING ON THE SNAKE RIVER FROM LOWER SALMON FALLS TO BLISS DAM [HAGERMAN SECTION--SN3].

ECHO: The Wilderness Co., Inc. #1/Richard Linford, MA: The Board reviewed Mr. Linford's file in regard to the alleged nonuse of float boating privileges on the Snake River--C. J. Strike Dam to Walter's Ferry [SN5] and Mr. Linford's letter in response to the Board's inquiry regarding his use on this river reach in which Mr. Linford relinquishes the licensed float boating activity on this river reach. Following a discussion on this matter, MSC (Miller--Vaughn) THAT THE BOARD ACCEPT MR. LINFORD' RELINQUISHMENT OF FLOAT BOATING ACTIVITY ON [SN5].

Upgrading Telephone System: The Board met with Lloyd B. Howe of the Idaho Department of Administration and Robert A. Wells of Mountain Bell regarding the Board's telephone system and the costs associated with upgrading same. Following a meeting with Messrs. Howe and Wells it is the Board's position that this upgrading of the Board's telephone system be put on hold until the state has in place its new Star communication system which is anticipated to be in place later this summer or fall at which time the Board would initiate action to integrate/upgrade its telephone system into the state system.

L. P. Enright dba Busterback Ranch: Following an interview before the Board with Dr. Enright and Jim Root concerning their proposed amendment request for the conduct of fishing, trailrides, backpacking, boating, and bicycling activities in portions of Fish and Game Management Unit 36 as associated with Busterback Ranch and in discussion of this matter, MSC (Baird--Crane) THAT THE BOARD: (1) APPROVE JIM ROOT AS A MANAGING AGENT UPON SUBMISSION OF NECESSARY PAPERWORK AND AS QUALIFIED TO GUIDE FOR BACKPACKING AND MOUNTAIN BIKE TOURING; (2) APPROVE THE EMPLOYMENT OF RAY SEAL dba HIGH COUNTRY OUTFITTERS AS A LICENSED GUIDE FOR L. P. ENRIGHT dba BUSTERBACK RANCH AS WELL AS MANAGING AGENT MICHAEL SEAL; (3) APPROVE TRAILRIDING ACTIVITIES WITHIN THAT AREA AND ON THOSE TRAILS CURRENTLY LICENSED TO BUSTERBACK RANCH FOR CROSS-COUNTRY SKIING; (4) UPON RECEIPT OF A WORDED AREA DESCRIPTION FOR THAT OPERATING AREA REQUESTED FOR CONDUCT OF TRAILRIDES EAST OF THE RANCH TO HORTON PEAK, WILL INITIATE RESEARCH WITH THE SAWTOOTH NATIONAL RECREATION AREA, THE IDAHO DEPARTMENT OF FISH AND GAME, AND AFFECTED OUTFITTERS REGARDING THIS ACTIVITY WITH APPROVAL/DISAPPROVAL MADE UPON COMPLETION OF SAID RESEARCH AND ADDED BY ADMINISTRATIVE AMENDMENT, IF APPROVED; (5) HOLD THE REQUEST FOR FISHING PENDING RECEIPT OF RECOMMENDATIONS FROM THE IDAHO DEPARTMENT OF FISH AND GAME; (6) UNDERSTANDS THAT BOATING WILL BE CONFINED TO A RENTAL SERVICE ONLY; THIS IS NOT APPROVED BY THE BOARD FOR ANY LICENSED ACTIVITY; AND (7) APPROVE MOUNTAIN BIKE TOURING AND BACKPACKING ACTIVITIES FOR THAT AREA CURRENTLY LICENSED FOR CROSS-COUNTRY SKIING WITH A FURTHER STIPULATION THAT UPON SUBMISSION OF AN AREA DESCRIPTION WITHIN WHICH THEY WOULD

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WISH TO EXPAND THIS ACTIVITY, THAT THIS WOULD BE RESEARCHED AND APPROVED OR DENIED ACCORDINGLY. [Administrative Note: A letter be addressed to Mr. Enright detailing Board action and stressing that approval of trailriding activities does not allow clientele booked through and with Busterback Ranch to be taken into Ray Seal dba High Country Outfitter's operating area. Further, that copies of this letter should be sent the SNRA, Jim Root, and Ray Seal.]

Salmon River Properties, Inc./Frank J. Valvo, MA: The Board met with Mr. Valvo and a representative of the Salmon River Properties, Inc. regarding their outfitter license application for the conduct of most licenseable hunting, recreational and boating activities in Fish and Game Management Units 28 and 29. Following an interview before the Board regarding said application and a discussion with Mr. Valvo, MSC (Baird--Vaughn) THAT THE BOARD: (1) HOLD THE SALMON RIVER PROPERTIES, INC. OUTFITTER LICENSE APPLICATION PENDING THE SUBMISSION OF AN UPDATED AND MODIFIED APPLICATION TO REFLECT THOSE ACTIVITIES FOR WHICH THEY ARE MOST SPECIFICALLY INTERESTED IN; (2) REQUEST SALMON RIVER PROPERTIES, INC. TO SUBMIT AN UPDATED AND PROPERLY WORDED AREA DESCRIPTION FOR THE REQUESTED OPERATING AREA; (3) INITIATE, UPON RECEIPT OF THESE ITEMS, THE NECESSARY RESEARCH RELATIVE TO SAID APPLICATION; AND (4) UPON RECEIPT OF RESEARCH DATA/INFORMATION FROM THE LAND MANAGING AGENCIES AND THE IDAHO DEPARTMENT OF FISH AND GAME, EVALUATE SAID UPDATED APPLICATION AND, IF POSSIBLE, RENDER A DECISION AT ITS AUGUST BOARD MEETING. FURTHER, THAT A LETTER BE ADDRESSED TO MR. VALVO ADVISING HIM OF THE BOARD'S ACTION IN THIS REGARD.

James Dean Helfrich: The Board reviewed Mr. Helfrich's outfitter amendment request for the addition of chukar hunting along the Lower Main Salmon--Hammer Creek to Heller Bar and on to Lewiston [SAB]. Following a discussion of this matter, MSC (Baird--Vaughn) THAT SAID AMENDMENT REQUEST FOR CHUKAR HUNTING ALONG SAB BE APPROVED.

James Dean Helfrich: The Board reviewed Mr. Helfrich's request for a Waiver to Rule 53 requesting permission to conduct a float trip on the Middle Fork in supplying a float craft to a canoe group from August 13-18, 1988. Following a discussion of this matter, MSC (Crane--Baird) THAT THE BOARD APPROVE MR. HELFRICH'S REQUEST FOR A WAIVER OF RULE 53 AND THAT SAID CONDUCT OF TRIP WILL BE IN ACCORDANCE WITH THE LETTERS RECEIVED REGARDING THIS MATTER DATED JUNE 13, 1988 FROM MR. GROSS AND REQUEST FROM MR. HELFRICH BY LETTER DATED JUNE 7, 1988.

James R. Thrash dba Salmon Meadows Lodge/Wagon Wheel Corrals/Warren Outfitters: The Board reviewed Mr. Thrash's outfitter license amendment request for the purchase of the Salmon River Guide Service owned by one James Powell. Following a review of the file and amendment request, MSC (Miller--Baird) THAT: (1) THE BOARD APPROVE THE PURCHASE OF SALMON RIVER GUIDE SERVICE/JAMES POWELL, OWNER WITH TRANSFER OF BUSINESS TO JAMES R. THRASH dba WARREN OUTFITTERS AS SUCCESSOR OF INTEREST TO THIS BUSINESS AND AREA OF OPERATION; (2) ACTIVITIES APPROVED IN THIS SALE AND TRANSFER OF BUSINESS ARE AS OUTLINED ON THE AMENDMENT REQUEST, NAMELY, ELK/DEER/MOOSE/SHEEP/BEAR/COUGAR/PREDATORS/BIRD HUNTING, FISHING, TRAILRIDES, AND BACKPACKING; AND (3) THE LICENSE BE ISSUED PENDING COMPLETION OF THE PAPERWORK INCLUSIVE OF A RELEASE FROM MR. POWELL THAT UPON SATISFACTORY COMPLETION OF THIS SALES CONTRACT, HE WOULD NO LONGER HAVE ANY INTEREST IN THE BUSINESS.

Lost Lakes Outfitters, Inc./Albert Latch, MA: The Board reviewed Mr. Latch's outfitter amendment request to re-align his boundary for some additional area in which to conduct fishing, trailrides, snowmobiling, and the hunting of deer/elk/goat/bear/cougar/predators. Following a discussion of this matter, MSC (Baird--Vaughn) THAT MR. LATCH'S AMENDMENT REQUEST FOR A BOUNDARY CHANGE BE DENIED. AUTHORITY FOR THIS DENIAL IS AS FOUND IN IDAHO CODE 36-2109(b) AND IN IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS NO. 19.f.

Vaughn Haderlie and Sons: The Board reviewed Mr. Haderlie's outfitter amendment request for the licensing of charter boat fishing operations on Palisades Reservoir following which MSC (Baird--Miller) THAT: (1) MR. HADERLIE'S AMENDMENT REQUEST BE HELD PENDING THE BOARD GOING TO RULEMAKING WITH DETERMINATION MADE AS TO NUMBERS OF INDIVIDUALS TO BE LICENSED ON PALISADES RESERVOIR FOR CHARTER BOAT FISHING ACTIVITIES; AND (2) HE BE SO ADVISED WITH HIS NAME PLACED ON THE WAITING LIST AS AN INTERESTED LICENSE APPLICANT ON PALISADES RESERVOIR.

Hadley B. Roberts dba Roberts Backcountry Adventures: The Board reviewed Mr. Roberts' outfitter license application for the conduct of fishing and backpacking activities in various portions of the Salmon National Forest. Following a review of Mr. Roberts' request and discussion of this matter, MSC (Baird--Crane) THAT MR. ROBERTS' OUTFITTER LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(4&5), THE IDAHO OUTFITTERS AND GUIDES BOARD RULES AND REGULATIONS NO. 19.f., AND IN ACCORDANCE WITH THE RECOMMENDATIONS MADE BY THE IDAHO DEPARTMENT OF FISH AND GAME BY LETTER DATED JUNE 16, 1988.

Scott G. Schnebly dba Lost River Outfitters: The Board reviewed Mr. Schnebly's file and Linda Schnebly's guide license application to be licensed for the conduct of backpacking under Mr. Schnebly's outfitter license. Following a review of this file, the Board directs that a letter be addressed to Mr. Schnebly in which: (1) Mr. Schnebly be advised that the Board erred in requiring him to file an amendment request for conduct of day hikes inasmuch as day hikes and backpacking are one in the same and he is already licensed for backpacking; (2) that Mr. Schnebly's amendment fee be returned; and (3) that Linda Schnebly be approved as qualified to guide backpacking activities.

Jeff Green dba Green's Fishing Outfitters: The Board reviewed Mr. Green's outfitter license application for the conduct of fishing and power/float boating on various reservoirs, lakes, and streams as outlined in his application in the vicinity of Preston, Idaho. Following a review of this application, the Board directs that a letter be addressed to Mr. Green to advise him: (1) that many of the waters requested are not open for commercial power and float boating activities in accordance with Idaho Outfitters and Guides Board Rule 57; (2) that it is difficult to ascertain what waters he wishes to fish upon absent the float and power boating activities; and (3) that Mr. Green be instructed to reconsider his application and, if indeed he wishes to make application for fishing activities, to specify those waters upon which he would wish to conduct said activities; and (4) that upon receipt of Mr. Green's amended application the Board would again consider his application and initiate the necessary research.

Hells Canyon Adventures/Gary Armacost, MA: The Board reviewed Mr. Armacost's outfitter license amendment request for the conduct of charter boat fishing operations on Hells Canyon, Oxbow and Brownlee Reservoirs. Following a review of Mr. Armacost's request and discussion of this matter, MSC (Miller--Vaughn) THAT MR. ARMACOST'S REQUEST FOR THE CONDUCT OF CHARTER BOAT FISHING ON HELLS CANYON, OWBOW AND BROWNLEE RESERVOIRS BE HELD PENDING THE BOARD'S GOING TO RULEMAKING AS REGARDS THE LICENSING OF CHARTER BOAT FISHING OPERATIONS ON THESE WATERS. FURTHER, THAT A LETTER BE ADDRESSED TO MR. ARMACOST ADVISING HIM OF THE BOARD'S ACTION IN THIS REGARD.

Sun Valley Trekking Company, Inc./Bob Jonas, MA: The Board reviewed Mr. Jonas' outfitter amendment request for the addition of one-day interpretative nature hikes on specific trails located in the Ketchum Ranger District and in the Sawtooth National Recreation Area. Following a review of Mr. Jonas' amendment request and comments made by the U.S. Forest Service regarding

Mr. Jonas' request, MSC (Vaughn--Crane) THAT MR. JONAS' REQUEST BE APPROVED AS SUBMITTED WITH THE EXCEPTION OF THOSE TRAILS ENUMERATED BY THE FOREST SERVICE AS BEING EXCLUDED FROM THEIR APPROVAL; NAMELY: (1) ON THE KETCHUM RANGER DISTRICT-PIONEER/CABIN TRAIL, TRAIL #122 AND THE NORTON CREEK TRAIL, TRAIL #135; AND (2) ON THE SAWTOOTH NATIONAL RECREATION AREA-ALL TRAILS WITHIN THE SAWTOOTH WILDERNESS ARE EXCLUDED FROM THIS APPROVAL.

Roger D. Williams dba Buffalo Hump Nordic Center: The Board reviewed Mr. Williams' file noting his position regarding the matter of renewal and issue of his outfitter license and his further request that his outfitter license fee be returned. Following a discussion of this matter, MSC (Baird--Crane) THAT THE BOARD REFUND MR. WILLIAMS' OUTFITTER LICENSE RENEWAL FEE AND THAT HE BE ADVISED THAT HE NOT ADVERTISE, BOOK CLIENTS, OR OTHERWISE ACT IN THE CAPACITY OF AN OUTFITTER UNTIL SUCH TIME AS HE MAKES PROPER APPLICATION FOR HIS 1988-1989 OUTFITTER LICENSE WITH SAID LICENSE ISSUED AND IN HIS POSSESSION BEFORE HE ACTS IN ANY CAPACITY AS AN OUTFITTER.

Kevin Jacobson: The Board reviewed Mr. Jacobson's 1988-1989 guide license application noting his violation of Idaho Fish and Game law. Following a discussion of this matter, MSC (Crane--Vaughn) THAT MR. JACOBSON BE ISSUED HIS 1988-1989 GUIDE LICENSE ON A PROBATIONARY BASIS WITH THE TERMS OF SAID PROBATION BEING THAT HE NOT VIOLATE ANY LOCAL, STATE, OR FEDERAL LAWS AND THAT NO AMENDMENT CAN BE MADE TO HIS LICENSE DURING THE CURRENT LICENSE YEAR.

Ken Warren Outdoors, Ltd./Ken Warren, MA: The Board reviewed Mr. Warren's file to note that he has filed a 1988-1989 outfitter license renewal application but that in the processing of said application it was further noted that he reported use for 1987 and yet was not licensed by the Board for conduct of business during 1987. Following a discussion of this matter, MSC (Miller--Baird) THAT THE BOARD ADDRESS A LETTER TO MR. WARREN TO ADVISE HIM THAT: (1) BOARD RECORDS IN ACCORDANCE WITH MR. WARREN'S 1987 USE REPORT SUBMITTED IN CONJUNCTION WITH HIS 1988 RENEWAL APPLICATION FINDS THAT HE WAS NOT LEGALLY LICENSED TO DO BUSINESS IN THE STATE OF IDAHO DURING THE 1987-1988 LICENSE YEAR; AND (2) IN ACCORDANCE WITH IDAHO CODE, TITLE 36, CHAPTER 21 THAT THIS NON-RENEWAL OF HIS 1987-1988 LICENSE DOES, IN FACT, RESULT IN MR. WARREN'S LOSS OF TENURE FOR CONDUCT OF BUSINESS IN THE STATE OF IDAHO AND THAT THIS MATTER MUST BE CLARIFIED PRIOR TO THE BOARD'S TAKING ACTION AS REGARDS HIS OUTFITTER LICENSE RENEWAL APPLICATION FOR THE 1988-1989 LICENSE YEAR. [Administrative Note: This letter to be sent certified mail, return receipt requested.]

Salmon River Challenge, Inc./Pat Marek, MA: The Board reviewed Mr. Marek's file noting his two amendment requests: (1) for the addition of chukar hunting along SA6; and (2) for the addition offloat boating, fishing, and bird hunting along SA8. Following a review and discussion of this matter, MSC (Baird--Miller) THAT: (1) THE CHUKAR HUNTING BE APPROVED AND ADDED TO MR. MAREK'S LICENSED ACTIVITIES; AND (2) HIS REQUEST FOR FLOAT BOATING ON SA8 BE HELD PENDING THE OUTCOME OF THE RULEMAKING PROCEDURES AND THAT HE BE NOTIFIED HE IS BEING PLACED ON THE CONSIDERATION LIST FOR CONDUCT OF ACTIVITIES ON THIS RIVER REACH.

Kurt W. Selisch dba Middle Fork Wilderness Outfitters: The Board reviewed Mr. Selisch's request for a waiver of Rule 53 and further noted that by Board action dated May 18, 1988 it did not approve said requested waiver to Rule 53. However, due to subsequent action by the Board relative to the criteria necessary for consideration of waivers of Rule 53 and the submission of additional information for Board consideration, the Board reversed its prior decision and did approve the waiver of Rule 53 by letter dated June 15, 1988.

Dave Helfrich River Outfitter, Inc.: The Board reviewed Mr. Helfrich's file noting his request for a waiver to Rule 53 and its prior partial approval for a waiver to Rule 53 and further noted that due to additional input and reconsideration of this matter and the submission of additional information regarding the conduct of this trip in question, the Board did approve Mr. Helfrich's request for a waiver of Rule 53.

David Leroy Petition re: Scott G. Schnebly: The Board reviewed the petition received from David Leroy for a rehearing on the issuance of Mr. Schnebly's outfitter license. Following a review of this matter and in consideration of the recommendation made by the Board's attorney, MSC (Baird--Miller) THAT THE BOARD FINDS NO GROUNDS FOR RECONSIDERING THE ISSUANCE OF MR. SCHNEBLY'S LICENSE AND, THEREFORE, THE PETITIONS AS SUBMITTED BY MR. LEROY ARE DENIED. FURTHER, THAT THE CHAIRMAN BE INSTRUCTED TO SO NOTIFY MR. LEROY.

Idaho Big Game, Inc./Jon C. Goodman, MA: The Board reviewed Mr. Goodman's file to note that he has yet not responded to the Board's letter requesting additional information concerning the complaint filed against Idaho Big Game, Inc., following which MSC (Vaughn--Baird) THAT A LETTER AGAIN BE ADDRESSED TO MR. GOODMAN, BY CERTIFIED MAIL WITH A RETURN RECEIPT REQUESTED, TO EMPHASIZE THAT THIS INFORMATION MUST BE SUBMITTED TO THE BOARD PRIOR TO ANY FURTHER ACTION BEING TAKEN IN THE ISSUE OF HIS 1988-1989 OUTFITTER LICENSE AND, FURTHER, THAT HE BE ADVISED THAT HE IS TO CEASE AND DESIST FROM ANY ADVERTISING, BOOKING OF CLIENTS, OR OTHERWISE HOLDING HIMSELF OUT AS AN OUTFITTER UNTIL SUCH TIME AS

THIS MATTER HAS BEEN RESOLVED. ADDITIONALLY, THE THE ENFORCEMENT COORDINATOR BE INSTRUCTED TO INITIATE INVESTIGATION OF MR. GOODMAN'S OPERATION AS TO THE EMPLOYMENT OF UNLICENSED GUIDES AND OTHER ASPECTS OF HIS TOTAL OPERATION IN PROVIDING CREDITABLE SERVICES TO THE PUBLIC.

John A. K. Barker & John F. Crawford: Following a review of these files, it is the Board's position that no further action be taken on John A. K. Barker at this point in time nor on Mr. Crawford until such time as rulesmaking procedures have been concluded with appropriate licensing slots determined. Also, that Mr. Crawford be so advised of the Board's action and that his application be placed on the waiting list for power boating on CL3, SA8, and SN8.

Rulesmaking: The Board reviewed the proposed draft rules package and following said review and corrections and modifications thereto, MSC (Baird--Vaughn) THAT THE BOARD: (1) ADOPT SAID PROPOSED DRAFT RULES AND PROCEED TO RULESMaking PROCEDURES UNDER THE STATE ADMINISTRATIVE PROCEDURES ACT; (2) SCHEDULE FIVE PUBLIC HEARINGS RELATIVE TO THE ADOPTION OF RULES WITH SAID MEETINGS OCCURRING AS FOLLOWS: AUGUST 17 AT GRANGEVILLE FROM 1000 TO 1300 HOURS AND AT COEUR D'ALENE FROM 1830 TO 2100 HOURS; AUGUST 18 AT SALMON FROM 1000 TO 1300 HOURS AND AT IDAHO FALLS FROM 1830 TO 2100 HOURS; AUGUST 19 AT BOISE FROM 1830 TO 2100 HOURS; (3) INSTRUCT THE ADMINISTRATIVE SECRETARY TO ARRANGE FOR THE NECESSARY ROOM ACCOMMODATIONS FOR CONDUCT OF SAID HEARINGS AND NECESSARY MOTEL ACCOMMODATIONS; AND (4) INSTRUCT THE ADMINISTRATIVE SECRETARY TO PUBLISH THE NECESSARY NOTICES IN RESPECTIVE NEWSPAPERS AROUND THE STATE WITH DISTRIBUTION OF RULES TO APPROPRIATE AGENCIES, BOTH STATE AND FEDERAL, WITH NOTICES IN ADDITION TO THE REGULARLY SCHEDULED NEWSPAPERS TO INCLUDE THE GRANGEVILLE AND IDAHO FREE PRESS AND THE SALMON RECORDER HERALD.

There being no further business, the Board adjourned at 1740 hours.


WILLIAM R. MEINERS, Chairman of the Board

ATTEST:


LINDA L. ELWOOD, Administrative Secretary