

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD

AUGUST 29-SEPTEMBER 2, 1988

MINUTES

The Board convened at 0830 with all members present. Steve Mendive, the Board's newly appointed attorney, is also present to become acquainted with the Board/Board procedures.

**Board Minutes:** The first matter before the Board was review of the last Board Minutes for the June 20-24, 1988 meeting. Following a review of these Minutes, MSC (Crane--Baird) THAT SAID MINUTES BE APPROVED AS AMENDED.

**1989-1990 Proposed Budget:** The next matter before the Board was review of the 1989-1990 proposed budget. Following a review of said budget proposal, MSC (Baird--Vaughn) THAT THE PROPOSED BUDGET BE APPROVED. [Administrative Note: The Board also reviewed the internal budget and concurred in it as being applicable for working tool for the ensuing year.]

**FY88 Fiscal Report/Expenditures:** The next matter before the Board was review of the FY88 Fiscal Report and Expenditures for the months of June and July. Following a review of these matters, MSC (Miller--Vaughn) WE APPROVE THE JUNE AND JULY EXPENDITURES AND THE 1988 FISCAL YEAR REPORT.

**Enforcement:** The next matter before the Board was review of litigative and enforcement activities. MSC (Baird--Miller; Vote: Crane--"Aye", Baird--"Aye", Miller--"Aye", Meiners--"Aye", Vaughn--"Aye") THAT THE BOARD GO INTO EXECUTIVE SESSION FOR DISCUSSION OF ENFORCEMENT MATTERS, LITIGATION, AND PERSONNEL MATTERS. The Board went into Executive Session at 1022 hours and came out of Executive Session at 1215 hours with no decision(s) made.

The Board recessed for lunch at 1215 hours and reconvened at 1345 hours with all Board members present except Ron Vaughn who was excused for the afternoon.

**Glenda Lewy:** Glenda Lewy and R. J. Lewy, together with their attorney Bob Brower, appeared before the Board relative to the licensing of Glenda Lewy to become Designated Agent for Sun Valley Wilderness Outfitters, Inc. Following questioning Glenda Lewy as to her knowledge of the circumstances regarding the licensing of guides employed by Sun Valley Wilderness Outfitters, Inc. during the 1986-1987 license year, MSC (Baird--Miller) THAT, NOTWITHSTANDING THE FACT THAT THE SUN VALLEY WILDERNESS OUTFITTERS, INC. IS ON NOTICE FOR SHOW CAUSE AS TO WHY THEIR LICENSE SHOULD NOT BE REVOKED, GLENDA LEWY BE APPROVED AS DESIG-

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 29th

page 2

NATED AGENT FOR THAT COMPANY FOR THE 1988-1989 LICENSE YEAR WITH LICENSE ISSUED UPON PAYMENT OF NECESSARY FEES. Note: During the course of the open meeting before the Board, R. J. Lewy was advised that Board action should not be taken as an indication of the Board's position relative to future action relative to the Sun Valley Wilderness Outfitters, Inc. license.

**James F. Jensen:** The Board reviewed Mr. Jensen's file to note the telephone conversation/inquiry by and between Mr. Jensen's attorney, Mr. Gregory Fitzmaurice of Grangeville, Idaho, and Board's attorney, Steve Mendive, as regards the Board's position in issue of a future guide's license to Mr. Jensen. Mr. Fitzmaurice requested clarification of the Board's position as to whether the denial of his 1987-1988 guide license would prejudice issuance of a future license. Mr. Mendive contacted the Board Chairman regarding same; the Chairman polled the Board regarding this matter to determine that the Board's position would be one in which, upon application by Mr. Jensen for a future guide license, no prejudice would ensue beyond that of issuing said license on a probationary basis as long as all other requirements for a guide's license are met with authorization to the Board's attorney to so notify Mr. Fitzmaurice of the Board's action in this matter.

**Michael J. Stockton dba Michael J. Stockton Outfitters:** The Board reviewed Mr. Stockton's file regarding the proposed purchase by Mr. Stockton of a portion of Ed Hunt's dba St. Joe Outfitters and Guides business in Fish and Game Management Unit 9. Further, the criteria set forth by Board Minutes dated June 22, 1988 regarding this proposed purchase and transfer of business was reviewed. The necessary check of tangible assets was made by the Board's Enforcement Agent. Also, contact was made with the Forest Service regarding the status of the camp which is located outside of the proposed operating area. Following this contact and report and request by both Messrs. Stockton and Hunt that this sale and transfer of business be processed at the earliest opportunity (assuming all paperwork and reports were acceptable) to afford booking of clientele for the en-suing license year, the Chairman polled the Board regarding this matter to find that all Board members were in agreement to approve the sale and transfer of business from Mr. Hunt to Mr. Stockton. [Administrative Note: The Board will address the residue of Mr. Hunt's license application by later Board action.]

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 29th

page 3

**Mike Sohrakoff:** The Board reviewed Mr. Sohrakoff's file. Following a review of said file and discussion of pertinent facts contained therein, MSC (Miller--Crane) THAT THE BOARD AUTHORIZE ITS ATTORNEY, STEVE MENDIVE, TO CONTACT AND NEGOTIATE A SETTLEMENT WITH THE IDAHO PROSECUTING ATTORNEY IN RESOLUTION OF THIS PROBLEM PROVIDING THAT NEGOTIATION DOES INCLUDE A GUILTY PLEA IN VIOLATION OF 36-2104.

**High Country Outfitters, Inc./Quentin Selby, Managing Agent:** The Board reviewed High Country Outfitters, Inc. file noting their non-compliance, non-response to Board's various and repeated efforts to contact High Country Outfitters, Inc. regarding the status of their outfitting business/outfitter license. Specifically, two certified letters and one regular mail letter have not been acknowledged or returned to the Board regarding Board's position on this matter. Following a discussion of this situation and upon advice of counsel, MSC (Miller--Crane) THAT THE BOARD: (1) RE-AFFIRM ITS PRIOR DENIAL OF HIGH COUNTRY OUTFITTERS, INC.'S OUTFITTER LICENSE; AND (2) INITIATE ACTION UNDER RULE 28.c. AND THE M.O.U., AMENDMENT #1, AS NECESSARY FOR CONSIDERATION OF RELICENSING THAT AREA PREVIOUSLY LICENSED TO HIGH COUNTRY OUTFITTERS, INC. [Administrative Note: This should be included in the November Board business for consideration of further action under Rule 28.c. and criteria of the M.O.U. Amendment #1.]

**License Fees:** The next matter before the Board was disposition of license fees pursuant to continued licensee activity(ies) under the State's Administrative Procedures Act. Following a discussion of this matter, MSC (Baird--Crane) THAT WHEN A LICENSE HAS BEEN DENIED BY THE BOARD FOR JUST CAUSE AND IS UNDER APPEAL/LITIGATION THROUGH THE STATE ADMINISTRATIVE PROCEDURES PROCESS, THAT THE BOARD WILL, UPON RECEIPT OF THE PROPER APPLICATION AND FEES, ISSUE A LICENSE FOR THE THEN CURRENT LICENSE YEAR. SUCH LICENSE WILL CARRY THE NOTATION THAT IT HAS BEEN ISSUED UNDER THE AUTHORITY OF THE ADMINISTRATIVE PROCEDURES ACT, IDAHO CODE 67-5214(b) PENDING RESOLUTION OF SAID APPEAL/LITIGATION.

**David P. Bobbitt dba Coeur d'Alene Outfitters:** Mr. Bobbitt appeared before the Board in a hearing relative to the Board's denial of his outfitter license amendment request to increase the number of his gun hunters from twenty (20) to thirty (30) clients per year with his bow hunting to remain at five (5) clientele. Following a review of Mr. Bobbitt's file and materials submitted therein and in consideration of the testimony given by Mr. Bobbitt before the Board, MSC (Crane--Baird) THAT: (1) THE BOARD REVERSE ITS PRIOR DECISION FOR DENIAL OF HIS AMENDMENT REQUEST;

(2) THAT THE STATEMENTS OF FACT TO SUPPORT THIS REVERSAL OF THE BOARD'S PRIOR DENIAL ARE: (A) MATERIALS SUBMITTED TO THE BOARD RELATIVE TO USE DATA OF PRECEDING YEARS' OPERATION; (B) A LETTER DATED JANUARY 1988 IN SUPPORT OF MR. BOBBITT'S OPERATION AS SIGNED BY THE FOREST SERVICE, DAN CASTILLO-DISTRICT RANGER, IN WHICH HE FINDS NO OBJECTION TO THE INCREASE OF HUNTERS AS REQUESTED AND CONTAINED IN SUBSEQUENT OPERATING PLAN RELATIVE TO MR. BOBBITT'S OPERATION IN THE AREA THE LAST TWO (2) WEEKS OF THE LICENSED SEASON; (3) THAT MR. BOBBITT, WITH FOREST SERVICE APPROVAL, HAS MOVED HIS CAMP LOCATION AND MADE IMPROVEMENTS TO ACCOMMODATE CLIENTELE FOR THE 1988-1989 LICENSE YEAR; AND (4) THE LACK OF SPECIFIC DATA FROM THE IDAHO DEPARTMENT OF FISH AND GAME TO SUPPORT A LIMITATION ON NUMBER OF MR. BOBBITT'S CLIENTELE. CONCLUSIONS OF LAW ARE AS FOLLOWS: (1) PURSUANT TO IDAHO CODE 36-2109(b), GROUNDS FOR APPROVAL/DENIAL OF LICENSES IS ALSO APPROPRIATE TO LICENSE AMENDMENTS SUCH AS THE REQUESTED INCREASE OF ELK AND DEER HUNTERS; (2) NOTHING ON THE RECORD SHOWS A SAFETY PROBLEM; (3) BASED ON THE RECORD, THERE IS NO CONFLICT WITH 36-2109(b)(4); (4) MR. BOBBITT TESTIFIED THAT AT THE CURRENT TIME HE HAS TWENTY-FOUR (24) CLIENTS BOOKED AND POSSIBLY THAT NUMBER WILL INCREASE TO SHOW, PURSUANT TO 36-2109(b)(5) AND RULE 19, THAT THE PUBLIC NEED IS THERE WHICH IS NOT BEING MET OR ADEQUATELY SERVED; AND (5) FINALLY, THE FOREST SERVICE FINDS NO PROBLEM DIRECTLY OR INDIRECTLY RELATED TO AN INCREASED NUMBER OF CLIENTELE AS REQUESTED. [Administrative Note: It should be noted that the limitation on clientele applies only to deer and elk hunters and not to Mr. Bobbitt's bear and cougar hunting activities.]

**Robert Donald Gregg:** Mr. Gregg was scheduled to appear before the Board at 2:30 p.m. on August 29, 1988 relative to a scheduled Nonuse Hearing regarding the proposed revocation/suspension of privileges licensed to Mr. Gregg dba Three Rivers Outfitter 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]. Mr. Gregg did not appear before the Board as scheduled but in lieu thereof had his attorney, Mr. Paul Thomas Clark of Clark and Feeney Law Offices of Lewiston, Idaho, submit a letter to the Board dated August 24, 1988 regarding the conditions surrounding Mr. Gregg's nonuse status of licensed privileges as noted. The hearing was held regarding this matter with judicial notice taken of: (1) nonuse records; (2) notice records; and (3) letter from Mr. Gregg's attorney. Following consideration of Mr. Gregg's record and materials contained in his file, MSC (Miller--Baird) THAT: (A) MR. GREGG'S POWER BOAT LICENSE ON THE SALMON RIVER [SA7A] BE REVOKED FOR NONUSE; AND



STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 29th

page 5

(B) MR. GREGG'S POWER BOAT LICENSE ON THE CLEARWATER RIVER [CL2] BE RETAINED. The Findings of Fact to sustain this motion are as follows: (a) As regards the Salmon River-Vinegar Creek to Hammer Creek [SA7A], the Board takes judicial notice of use records submitted by Mr. Gregg for conduct of power boating in which he has recorded zero use for the past three (3) license years; (b) that testimony submitted by Mr. Gregg's attorney did not provide any extenuating circumstances for this recorded nonuse; (c) proposed advertising by Mr. Gregg for trips available to clients does not equate to actual use which is required under Idaho Code and Board Rule 22; (d) as regards the Clearwater River-Kooskia to Orofino [CL2], that in view of the Idaho Department of Fish and Game policy of not allowing power boat usage on CL2 during steelhead season that Mr. Gregg's nonuse be excused under Rule 22.b. and he retain his power boat license on CL2. Conclusions of Law are as follows: Idaho Code 36-2113 entitled "Revocation or Suspension of License--Grounds"; specifically, 36-2113(a) states: "Every license shall by virtue of this chapter be subject to suspension, revocation or restrictions by the board or for the commission of any of the following acts." Specifically, no. 13: "For failure of an outfitter to serve the public in any of the following ways: (i) by nonuse of the license privileges as defined by Rules and Regulations of the board." Reference to Outfitters and Guides Board Rules and Regulations, Definitions and Rule 22 finds that "'Nonuse' shall mean an outfitter's failure to use at least 40% of the use capabilities of the area for each activity for any two (2) of the three (3) preceding years." The Board does not use the 40% criteria but instead utilizes zero use as the criteria for nonuse of a license in a particular area. Rule 22.b. states: "Upon a showing of good cause, the Board may waive compliance with the nonuse standards." Based thereon, the Board finds grounds pursuant to the previously mentioned statute and rule for revoking power boat activities on SA7A. Regarding the Clearwater River [CL2], the Board finds that even though it makes a finding of nonuse in the past three (3) years per judicial notice of the record, based upon the extenuating circumstances and/or good cause per the policy decision of the Idaho Department of Fish and Game on CL2, the Board waives compliance with the nonuse standard.

The Board recessed at 1730 hours and reconvened on Tuesday morning, August 30, 1988 at 0830 hours with the Board's attorney, Steve Mendive, and all Board members except Ron Vaughn present.

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 30th

page 6

**Michael Terry Ball:** The Board reviewed Mr. Ball's guide license application for the 1988-1989 license year noting that he had been convicted in 1985 of a Fish and Game violation for possession of a wrong class of license. Further, that he had not indicated this violation of Fish and Game law on his guide license application, following which and in consideration of review of the citation, MSC (Baird--Miller) THAT MR. BALL'S LICENSE BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH 36-2109(c) AND 36-2113(6).

**Garden Valley Outfitters, Inc./Dan Rotthoff, Managing Agent:** The Board reviewed Mr. Rotthoff's file relative to his challenge of the Board's denial of his guide license and the matter of issue or non-issue of a license for conduct of business under A.P.A. for the 1988-1989 license year. Following a discussion of this matter and upon advice of counsel and in accordance with the Board's policy regarding this matter, office staff is instructed to issue license in accordance with said policy with the license clearly stated that said license is issued under provisions of the A.P.A. for the 1988-1989 license year.

**Phillip "Bub" Smith:** The Board reviewed Mr. Smith's 1988-1989 outfitter license renewal and subsequent submission of an American Red Cross card the Board suspected of having been altered. Following research into this matter and confirmation by the Red Cross that: "We have no record of Phillip Smith in our 1985 records under the instructor C. M. Mitchell", MSC (Baird--Miller) THAT THE BOARD'S ATTORNEY BE INSTRUCTED TO TAKE THOSE STEPS NECESSARY TO INITIATE REVOCATION OF MR. SMITH'S 1988-1989 OUTFITTER LICENSE. AUTHORITY FOR THIS ACTION IS AS FOUND IN 36-2113(a)(1).

**Ike Willard E. Bohne:** The Board reviewed Mr. Bohne's file noting his 1988-1989 guide license application in which he submitted what appeared to be a falsified Red Cross card. This matter was investigated by the Board's enforcement agent with report prepared to indicate that Mr. Bohne does, indeed, have an invalid Red Cross card. Following a discussion of this matter, MSC (Vaughn--Baird) THAT THE BOARD'S ATTORNEY BE INSTRUCTED TO INITIATE THOSE STEPS TO REVOKE MR. BOHNE'S 1988-1989 GUIDE LICENSE. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH 36-2113(a)(1).

**Dennis Fischer:** The Board reviewed Mr. Fischer's file noting his 1988-1989 guide license application in which he appears to have submitted an altered American Red Cross card. This was investigated by the Board's enforcement agent, with confirmation by

664

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 30th

page 7

letter from the Red Cross dated July 22, 1988 which states that any card issued in 1987 or 1988 and signed by Mary Seller is not a valid American Red Cross Multimedia card. Following a discussion and consideration of these facts, MSC (Crane--Baird) THAT THE BOARD'S ATTORNEY BE INSTRUCTED TO INITIATE THOSE STEPS NECESSARY TO A REVOCATION OF MR. FISCHER'S GUIDE LICENSE FOR THE 1988-1989 LICENSE YEAR. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH 36-2113(a)(1).

**First Aid Certification:** The Board reviewed the various materials that have been obtained relative to the unknown and changing status of what course will be offered by the American Red Cross for certification and issue of an appropriate qualified individual to possess a valid card for Board purposes. Following a discussion of this matter, the Board instructs the staff to continue to monitor these changing events and to continue to accept cards on an individual case-by-case basis where such cards meet that criteria as necessary for a standard multimedia standard first aid card. Further, the Board instructs its attorney to contact Marie Osburn of Salmon River Emergency Clinic at Stanley, Idaho, requesting her to submit her qualifications and certification by the State of Idaho for conduct as a EMT instructor together with the course work she presents relative to applicants for first aid certification for Board review and approval/disapproval in accordance with Board Rules and Regulations.

**First Aid Requirements/Policies:** Following a review of current Board policies regarding the first aid requirements, MSC (Crane--Baird) THAT: (1) ALL PREVIOUS BOARD POLICIES REGARDING FIRST AID REQUIREMENTS AND/OR AMERICAN RED CROSS CARDS BE RESCINDED; (2) WHERE IT APPEARS THERE IS A QUESTION AS TO THE VALIDITY OF A FIRST AID CARD SUBMITTED WITH A LICENSE APPLICATION, THE OFFICE STAFF SHALL TURN THIS INFORMATION OVER TO THE ENFORCEMENT COORDINATOR WHO SHALL, AS SOON AS POSSIBLE, INVESTIGATE SAME BY CALLING THE APPROPRIATE AGENCY. WHERE THE CARD IS DETERMINED AS VALID, THE ENFORCEMENT COORDINATOR SHALL SO NOTE THE APPLICANT'S FILE FACE SHEET AND NOTIFY THE CHAIRMAN WHO SHALL AUTHORIZE ISSUE OF A LICENSE; (3) WHERE THE CARD PROVES TO BE INVALID, THE ENFORCEMENT COORDINATOR SHALL REQUEST A WRITTEN STATEMENT OF THAT FACT FROM THE AGENCY FOR BOARD FILES AND NOTIFY THE ADMINISTRATIVE SECRETARY OF HIS FINDINGS AND WHO, IN TURN, SHALL PLACE THE APPLICANT'S APPLICATION ON THE AGENDA FOR CONSIDERATION/ACTION BY THE BOARD AT ITS NEXT MEETING; (4) THE STAFF SHALL ALSO BE INSTRUCTED THAT WHERE FIRST AID CARDS ARE SUBMITTED WITH LICENSE APPLICATIONS AND SAID CARDS ARE NOT SIGNED BY THE APPLICANT, THE

665

LICENSE WILL BE ISSUED WITH AN ACCOMPANYING LETTER REQUESTING A SIGNED COPY OF THE FIRST AID CARD BE IMMEDIATELY FORWARDED TO THE BOARD'S OFFICE; (5) THE STAFF BE INSTRUCTED THAT THE BOARD WILL ACCEPT A STATEMENT AND/OR COURSE RECORD INDICATING THE APPLICANT HAS TAKEN THE AMERICAN RED CROSS COURSE AND ISSUE A LICENSE ACCORDINGLY. A FOLLOW-UP CHECK IS TO BE CONDUCTED BY THE STAFF TO ASCERTAIN THE VALIDITY OF SUCH STATEMENT AND/OR COURSE RECORD. STATEMENTS AND/OR COURSE RECORDS, HOWEVER, WILL ONLY BE ACCEPTED THE FIRST YEAR THE COURSE IS TAKEN IN A GIVEN THREE-YEAR PERIOD WITH EVIDENCE OF FALSIFICATION OF SUCH STATEMENT AND/OR COURSE RECORD BROUGHT IMMEDIATELY TO THE ATTENTION OF THE BOARD. PHOTO-COPIES OF RED CROSS CARDS, FRONT AND BACK, ARE NECESSARY AND MUST BE SUBMITTED TO THE BOARD TO OBTAIN A LICENSE FOR THE ENSUING TWO (2) YEAR PERIOD; AND, FINALLY, (6) THAT IT BE A BOARD POLICY THAT WINTER EMERGENCY CARE COURSES BE CONSIDERED AS ADEQUATE FIRST AID TRAINING AS REQUIRED BY THE BOARD'S RULES AND REGULATIONS.

**James L. Snyder and Scott E. Knight:** Messrs. Snyder and Knight met before the Board in a denial hearing regarding the Board's denial of their outfitter license applications for conduct of big game hunting and other activities on privately owned lands in the Lolo Creek area in Fish and Game Management Unit 10A. Testimony presented during the hearing finds that Messrs. Snyder and Knight have: (1) agreed upon respective operating area boundaries with respect to their own privately owned/leased lands and division of that area formerly licensed to Lolo Creek Outfitters; (2) stipulated/identified that land on which both parties have agreed no hunting would occur; (3) signed leased agreements/contracts with the private landowners for conduct of their respective outfitting activities on file or will be made available to the Board with the further understanding that said private lands may be open to public hunting; and (4) stipulated to a limit of four (4) clients per week on lands open to public hunting (ie; State, BLM, and Potlatch hunting areas). MSC (Crane--Baird; Miller votes "No") THAT THE BOARD RESCIND ITS PRIOR DENIAL OF MESSRS. SNYDER'S AND KNIGHT'S OUTFITTER LICENSE APPLICATIONS AND APPROVE SAME IN ACCORDANCE TO THE FOREGOING CRITERIA. FURTHER, THAT THE LICENSED ACTIVITIES TO EACH PARTY SHALL BE THOSE ACTIVITIES FOR WHICH LOLO CREEK WAS FORMERLY LICENSED WITH INCIDENTAL BEAR AND COUGAR HUNTING. The Findings of Fact relative to the Board's decision in this matter is that testimony presented by Messrs. Snyder and Knight are: (1) they have now reached in agreement acceptable to the Board as regards how they would propose to operate in the area; and (2) they have submitted

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 30th

page 9

necessary lease arrangements from the private land-owners for the conduct of their outfitting businesses on said privately owned lands; and (3) the Board finds that allowing a hunting operation in this area should or could assist in alleviating game depredations/problems on privately owned lands in the area. Conclusions of Law are that in accordance with the Findings of Fact as have been stated, applicants have met the requirements of law as outlined in 36-2109(b)(5) and Outfitters and Guides Board Rule and Regulation No. 19.

**1989 Board Meetings:** The Board discussed the need of adopting and scheduling the 1989 Board meetings in accordance with the criteria established by Idaho's Open Meeting Law. Following this discussion, regularly scheduled Board meeting dates for the 1989 calendar year will be held starting with the second Monday of every other month, namely the week of January 9th, March 13th, May 8th, July 10th, September 11th, November 13th, with the seventh meeting being held the latter part of the week in December following the Idaho Outfitters and Guides Association meeting.

The Board recessed for lunch at 1215 hours and reconvened at 1320 hours.

**Michael R. Popp:** Mr. Popp appeared before the Board relative to his outfitter license application to become the Managing Agent for Don Pearsons dba Muleshoe Outfitters. Following the interview before the Board, the Board finds that Mr. Popp appears to be qualified except that he did, in fact, fail the outfitter test. The Board waived the requirement of a 15-day wait as outlined in Rule 18 with the understanding that Mr. Popp will re-take the test and submit same to the Board in the near future. Following a consideration of this matter, MSC (Miller--Crane) THAT THE BOARD APPROVE MR. POPP AS MANAGING AGENT FOR DON PEARSONS DBA MULESHOE OUTFITTERS WITH LICENSE ISSUED UPON COMPLETION OF PAPERWORK AND PASSING OF THE TEST. OTHERWISE, HE WILL BE REQUIRED TO WAIT FOR THE YEAR INTERVAL AS OUTLINED IN RULE 18 BEFORE FURTHER SUBMISSION OF AN APPLICATION IN THIS REGARD.

**Timothy L. Jewett dba Hells Canyon Outfitters:** Mr. Jewett appeared before the Board relative to his outfitter license application for power boating on the Snake River from Hells Canyon Dam to Pittsburg Landing [SN7] and from Pittsburg Landing to Lewiston [SN8]. Said application is for the proposed sale and transfer of business from Idaho Guide Service/Jim Powell, President, to Mr. Jewett. Following the interview before the Board



STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 30th

page 10

and discussion of this matter, MSC (Miller--Baird) THAT THE BOARD APPROVE THE SALE AND TRANSFER OF THE BUSINESS FROM IDAHO GUIDE SERVICE TO MR. JEWETT, PENDING RELEASE FROM IDAHO GUIDE SERVICE OF THEIR INTEREST IN POWER BOATING ON THE SNAKE RIVER [SN7 AND SN8] AND COMPLETION OF PAPERWORK, SPECIFICALLY THE BOND AND FEES. FURTHER, THAT MR. JEWETT MAINTAIN HIS EMPLOYMENT OF A QUALIFIED POWER BOAT GUIDE UNTIL HE HIMSELF BECOMES SO QUALIFIED AND LICENSED ON SN7 AND SN8.

**Ralph Miller dba Island Park Fun Rentals:** The Board reviewed Mr. Miller's outfitter license application for the conduct of power boating activities on the Snake River in the vicinity of Mack's Inn [SH1]. The Board reviewed Mr. Miller's file to note that the power boating request is for an activity not licenseable under Idaho Outfitters and Guides Board Rule and Regulation No. 57. Following a discussion of this matter, MSC (Baird--Crane) THAT MR. MILLER'S OUTFITTER LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH 36-2109(b)(4) AND IDAHO OUTFITTERS AND GUIDES BOARD RULE AND REGULATION NO. 57.

**Joyce Benham dba North Shore Lodge at Warm Lake:** The Board reviewed Ms. Benham's file noting that she appears to have generally complied with the Board's instructions per Board letter dated May 25, 1988; that is, she has submitted a re-worded area description and has purchased private property upon which to stable animals necessary to her proposed trailriding operation. Thus, that which remains before Ms. Benham can be issued an outfitter license is the payment of fees and submission of a performance bond. She has submitted her intent to employ a qualified guide (Tom Lanham) but must submit first aid certification if she, indeed, proposes to conduct guided activities. Following a discussion of these matters, MSC (Baird--Crane) THAT THE BOARD ADDRESS A LETTER TO MS. BENHAM IN WHICH THEY STATE THEY HAVE REVIEWED HER MOST RECENT CORRESPONDENCE REGARDING HER OUTFITTER LICENSE APPLICATION TO REQUEST ADDITIONAL MATERIAL AND/OR PAYMENT OF FEES; NAMELY, (1) THAT THE REVISED AREA DESCRIPTION BE MAPPED OUT ON AN APPROPRIATE 1/2" PER MILE SCALE MAP; (2) PROOF OF PURCHASE OF THE PRIVATE PROPERTY AT KNOX RANCH FOR ACCOMMODATION OF STABLING OF ANIMALS; (3) A VALID AMERICAN RED CROSS CARD IF, INDEED, MS. BENHAM PROPOSES TO CONDUCT ANY GUIDING ACTIVITIES, NAMELY SNOWMOBILING FOR WHICH SHE HAS SUBMITTED APPROPRIATE TRAINING FORM; (4) PAYMENT OF FEES BOTH FOR THE OUTFITTER LICENSE APPLICATION AND TOM LANHAM'S GUIDE LICENSE APPLICATION; AND (5) THAT SHE REGISTER HER ASSUMED NAME PROPOSAL WITHIN THE COUNTY IN WHICH SHE WOULD CONDUCT BUSINESS AND SUBMIT PROOF OF SAID REGISTRATION TO THE BOARD.

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 30th

page 11

**L. P. Enright dba Busterback Ranch:** The Board reviewed Mr. Enright's amendment request for the addition of trailrides extending east from the ranch into the Horton Peak area and conduct of fishing activities. Following a review of the file and recommendations made by the Sawtooth National Recreation Area and Idaho Department of Fish and Game and affected outfitters, MSC (Miller--Crane) THAT MR. ENRIGHT'S AMENDMENT REQUEST FOR THE CONDUCT OF TRAILRIDES INTO THE HORTON PEAK AREA AND FOR THE CONDUCT OF FISHING ACTIVITIES AS ASSOCIATED WITH BUSTERBACK RANCH BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH 36-2109(b)(5) AND IDAHO OUTFITTERS AND GUIDES BOARD RULE AND REGULATION NO. 19(b&f).

**Boulder Outdoor Survival School, Inc./David Lloyd Westcott, Managing Agent:** Mr. Westcott appeared before the Board relative to his application for an outfitter license for the conduct of backpacking, technical mountaineering/rock climbing, and cross-country skiing activities in Fish and Game Management Units 60, 60A, 62, and 64 inclusive of privately owned lands upon which he has signed agreements from the landowners for conduct of said activities. Following the interview before the Board and in discussion of these matters and consideration of the application, MSC (Miller--Crane) THAT THE BOARD APPROVE BOULDER OUTDOOR SURVIVAL SCHOOL, INC.'S OUTFITTER LICENSE APPLICATION WITH DAVID LLOYD WESTCOTT APPROVED AS MANAGING AGENT, PENDING COMPLETION OF THE NECESSARY PAPERWORK INCLUSIVE OF PASSING OF THE OUTFITTER EXAM AND CONCLUSION OF RESEARCH WITH THE IDAHO DEPARTMENT OF FISH AND GAME. FURTHER, THAT THE AREA OF OPERATION AS SUBMITTED IS APPROVED PENDING COMPLETION OF RESEARCH. FURTHER, THAT MR. WESTCOTT CONTINUE TO BE LICENSED AS A GUIDE FOR THOSE ACTIVITIES FOR WHICH HE IS CURRENTLY QUALIFIED BUT THAT HE BE CAUTIONED HE CAN ONLY CONDUCT THOSE ACTIVITIES FOR WHICH HIS EMPLOYING OUTFITTER IS LICENSED.

**NezPerce National Forest-Fish Creek Recreation Area Environmental Analysis:** The Board reviewed a letter from the NezPerce Forest dated July 8, 1988 regarding the Fish Creek Recreation Area Environmental Analysis. Following review of this document, it was the Board's position that no response is necessary.

**University of Idaho 1988 Wildlife Interest Group Leader's Survey, Item No. 00092:** The Board reviewed the questionnaire and following a review and discussion of this matter, it was the Board's position that it is inappropriate for the Board to respond to this questionnaire and it should be returned to the University of Idaho.

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 30th & 31st

page 12

**Problem-Solving [Grievance] Procedure:** The Board reviewed the August 15, 1988 memorandum from Richard J. Hutchinson, State Personnel Director, relative to problem-solving [grievance] procedure. Following a discussion of this matter, it is the Board's position that it would adopt the Idaho Personnel Commission's problem-solving [grievance] procedures as attached to Mr. Hutchinson's memorandum of August 15, 1988. Further, that a letter should be addressed to Mr. Hutchinson advising him of the Board's position in this matter.

**Outfitter Exam/Board Policies/Forms:** The Board reviewed this matter to determine that both the exam, policies, and forms will be reviewed with suggested changes, if any, made for submission and consideration at the November meeting to enable adoption, printing, and availability for use for the next license year.

The Board recessed for the day at 1730 hours and reconvened on Wednesday morning, August 31, 1988 at 0830 hours with all Board members present.

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

**Larry Moats:** Mr. Moats appeared before the Board relative to his concern and proposed rulesmaking procedures in which the Board proposes to reduce the number of power boat outfitters licensable on the Salmon River from North Fork to Corn Creek [SAS]. Following a discussion and in consideration of Mr. Moats' input to the Board, it is the Board's position that his comments will be kept in mind in review and approval of proposed rules regarding this river section, namely SAS.

**Donald L. Williams dba Williams Sawtooth Rentals:** Mr. Williams appeared before the Board relative to his outfitter license application for the conduct of snowmobiling activities in the Sawtooth Valley, principally in the Sawtooth National Recreation Area and adjacent Boise National Forest lands in the Bear Valley to Lowman and return to Stanley by groomed snow trails. Following the interview and review of the file and discussion of Mr. Williams' intent, namely: (1) Mr. Williams' application is to be licensed for snowmobiling in conduct of photography activities in association with his snowmobiling activities; (2) that he is interested in mountain bike touring but will amend his license at a later date to cover this activity; (3) that his primary activities will be conducted along groomed trails within the Sawtooth

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 31st

page 13

Valley to Bear Valley to Lowman and return to Stanley; (4) that the financial statement submitted in his application is one and the same as his personal financial statement and, thus, is acceptable to the Board; and (5) that he will register his assumed name certificate with the county in which he will conduct business and provide the Board a copy of this certificate. Following a consideration of these matters, MSC (Vaughn--Crane) THAT MR. WILLIAMS' OUTFITTER LICENSE APPLICATION BE APPROVED FOR CONDUCT OF SNOWMOBILING ACTIVITIES IN ACCORDANCE WITH THE FOREGOING CRITERIA AND FURTHER THAT MR. WILLIAMS BE APPROVED QUALIFIED TO GUIDE WITH LICENSE ISSUED UPON SUBMISSION OF NECESSARY PAPERWORK AND PAYMENT OF FEES. [Administrative Note: Area description for operating area is as contained in the maps submitted which are to be photo-released and attached to his license to indicate the operating area together with the groomed trails via Bear Valley to Lowman and back to Stanley.]

**Dick McAfee dba Castle Creek Outfitters:** Mr. McAfee appeared before the Board relative to his outfitter license amendment request for an adjustment in his operating area boundary to: "starting at White Goat Lake, the new boundary will continue south along the Lemhi/Custer County line until it joins Sleeping Deer Road" and his already licensed operating area boundary." Following a review of the file and consideration of this matter, MSC (Vaughn--Baird) THAT MR. McAFEE'S AMENDMENT REQUEST BE APPROVED AS REQUESTED.

**Lewis and Clark National Forest:** The Board reviewed the memorandum dated August 15, 1988 from the Lewis and Clark National Forest regarding Partnerships for the Future Task Force Reports. Following a review of this material, it is the Board's position that a letter should be addressed to Jerry B. Reese, Task Force Chairman, thanking him for providing the Board a copy of the report. Further, that we appreciate the recognition of the Idaho Outfitters and Guides Licensing Board in the regulation and licensing of outfitting and guiding activities in Idaho and that we do look forward to cooperation and implementation of the M.O.U. and Amendment No. 1 thereto in improving the cooperation and partnership functions of both the Forest Service and Board in licensing and permitting these activities in the State of Idaho. The letter should also stress that the Board would look forward to the possibility of further coordinating the activities among three (3) regions, ten (10) national forests, and the many districts that the Board must work with in Idaho in furthering the partnership in this regard.

The Board recessed for lunch at 1200 hours and reconvened at 1320 hours.

671

**Middlefork Ranch, Inc./Paul Cox, Managing Agent:** The Board reviewed Middlefork Ranch, Inc.'s amendment request to add fishing to their licensed activities with specific request for Buck and Artillery Lakes. Following a review of the file and discussion of this matter, MSC (Baird--Crane) THAT THE AMENDMENT REQUEST BE APPROVED FOR THE ADDITION OF FISHING AS A LICENSEABLE ACTIVITY ON MIDDLEFORK RANCH'S OUTFITTER LICENSE APPLICATION WITH FISHING TO OCCUR ANYWHERE WITHIN THEIR ASSIGNED OPERATING AREA.

**Jeffrey R. Green dba Green's Fishing Outfitters:** Mr. Green met with the Board relative to his outfitter license application to be licensed for the conduct of fishing activities on various waters in southeast Idaho, primarily within Franklin County. Following a discussion of his outfitter license application, the Board finds that said application is incomplete with Mr. Green instructed as to those items necessary to complete said application and following receipt of these materials, the Board would then take further action on his application. In the interim, the Board will initiate research relative to his application to enable a final decision to be made.

**Quaker Hill Conference dba Backcountry and Beyond/Mike Crevelt, Managing Agent:** The Board reviewed Quaker Hill Conference, Inc.'s amendment request to add technical mountaineering as a licensed activity under their outfitter license. Following a review of the file and recommendation made by the Board's expert committee regarding Mr. Crevelt's qualifications as a guide for conduct of this activity, MSC (Baird--Vaughn) THAT QUAKER HILL CONFERENCE'S AMENDMENT REQUEST BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH 36-2109(b)(2) AND IN ACCORDANCE WITH THE RECOMMENDATION OF THE BOARD'S TECHNICAL COMMITTEE.

**E. Edward Houghton dba Running Creek Ranch/Jerry Gifford, Managing Agent:** The Board reviewed Mr. Gifford's amendment request for a one-time only fishing trip to Emerald Lake located in Section 5, Township 31 North, Range 15 East, Boise Meridian. Following a review of the file in which the land managing agency has indicated no problem with this amendment request and by telephone conversation between the Board Chairman and Jerry Thiessen of the Idaho Department of Fish and Game that they had no problem with this request, MSC (Baird--Miller) THAT THE AMENDMENT REQUEST BE APPROVED ON A ONE-TIME BASIS ONLY AND IN ACCORDANCE TO THE ROUTES OUTLINES IN MR. GIFFORD'S AMENDMENT REQUEST FOR THE DATES OF SEPTEMBER 9 & 10, 1988.



**Coolwater Ranch Outfitters, Inc./Kevin Harold Olmstead & Don Wilson, Managing Agents:** Mr. Olmstead met with the Board relative to his proposed acquisition of and conversion of the business currently owned and operated as a sole proprietor, Don Wilson, to be known as Coolwater Ranch Outfitters, Inc. with Messrs. Olmstead and Wilson, Managing Agents. Following the interview before the Board and discussion of the various factors yet remaining to be accomplished; namely that the Board would need to receive: (1) an application in the name of the corporation along with boating supplement request; (2) a bond indicating corporate name plus the managing agents involved; (3) payment of necessary fees; (4) an operating plan with the understanding that if the current operating plan is to move forward, that we would need a statement to that effect from the new corporate entity; and (5) submission of a corporate financial statement. Additionally, Mr. Olmstead as Managing Agent will need to submit a boating supplement and training cards for qualifications to be licensed as a guide on the Selway River from Selway Falls to the confluence [SE2] plus appropriate fees. And, finally, that Mr. Wilson will need to submit an amendment request with the \$10.00 amendment fee to change his outfitter license to becoming Managing Agent under the corporate structure of Coolwater Ranch Outfitters, Inc. Following a discussion of these matters, MSC (Crane--Baird) THAT THE BOARD APPROVE THE SALE, PURCHASE, AND RE-ORGANIZATION OF THE COOLWATER OUTFITTERS FORMERLY OWNED BY DON WILSON IN ACCORDANCE WITH THE FOREGOING CRITERIA WITH LICENSE ISSUED PENDING THE RECEIPT OF NECESSARY PAPERWORK AND PAYMENT OF FEES. FURTHER, THAT MR. OLMSTEAD BE APPROVED AS MANAGING AGENT QUALIFIED TO GUIDE EXCEPT FOR BOATMAN ON SE2 WITH THE UNDERSTANDING THAT THIS WILL BE ADDED AS AN AMENDMENT TO HIS GUIDE LICENSE AT A LATER DATE; AND FURTHER, THAT IN ACCORDANCE WITH THE STIPULATED SETTLEMENT OF THE DON WILSON MATTER, THAT THE RESTRICTION ON BEAR AND COUGAR HUNTING AS APPLICABLE TO DON WILSON AND THE FORMER CORPORATE LICENSE IS IN PLACE UNTIL THE TERMINATION OF THAT SUSPENSION OF THIS ACTIVITY OR UNTIL MARCH 31, 1989 AFTER WHICH THIS LICENSED ACTIVITY WOULD BECOME REINSTATED.

**Jeff Hoedt--Idaho Parks and Recreation Department:** Mr. Hoedt met with the Board relative to the Board's proposed rules package and his comments regarding same. Additionally, a proposal in the form of a resolution regarding the future licensing of small boats on Idaho's waters; that is, boats of 6 or less passengers capacity for hire in which they would seek to have that authority for licensing and regulations of such boats passed to the states rather than under Coast Guard jurisdiction on inland waters was presented for Board information/action. Following a review and discussion of these matters and clarification of his comments re-

garding the proposed rules and regulations, MSC (Miller--Baird) THAT THE BOARD WRITE A LETTER IN SUPPORT OF PROPOSED RESOLUTION AS PRESENTED TO THE BOARD TITLED "COMMERICAL VESSELS OPERATOR'S LICENSE ON WATERS OF CONCERN, FEDERAL JURISDICTION". Additionally, it should be noted that the Board will take administrative note of Mr. Hoedt's comments re-garding the proposed rules and regulations in review and adoption of the rules package.

The Board recessed for the evening at 1700 hours and reconvened on Thursday, September 1, 1988 at 0830 hours with the Board's attorney and all Board members except Ron Vaughn present.

**Policy--Complaints from the Public:** Following a discussion of this situation and upon request of Board's attorney to prepare a position for the Board to follow in this regard, MSC (Miller--Crane) THAT THE FOLLOWING POLICY BE ESTABLISHED: (1) CURRENT POLICY WILL CONTINUE; THAT IS, SEND COPIES OF SERVICE RELATED COMPLAINTS TO THE OUTFITTER ALONG WITH A FORMAL REQUEST FOR A WRITTEN EXPLANATION OF THE SITUATION. (2) COMPLAINTS ALLEGING POSSIBLE CRIMINAL ACTIVITY SHALL BE TURNED OVER TO THE ENFORCEMENT COORDINATOR FOR INVESTIGATION WITH REPORT FILED WITH THE BOARD IN TIMELY FASHION FOR FURTHER APPROPRIATE ACTION.

**Michael J. Lyons/Stephen J. Guinn:** The Board reviewed Mr. Lyons' and Guinn's files relative to the proposed sale and transfer of Mr. Guinn's fishing and float boating activities on PS1, SA7A, SA8, and SN3. Following a discussion of this matter and finding that all matters appear to be acceptable to the Board, MSC (Crane--Baird) THAT THE PROPOSED SALE AND TRANSFER OF BUSINESS BE APPROVED WITH ISSUE OF LICENSE UPON COMPLETION OF ANY NECESSARY PAPERWORK AND PAYMENT OF FEES THAT ARE STILL OUTSTANDING.

**Idaho Guide Service, Inc./James Powell, Managing Agent:** The Board reviewed the Idaho Guide Service file noting the notification by one Mr. John S. Ritchie, counsel and secretary of said corporation, that Mr. Olin Gardner did not live up to the terms of the sale agreement by and between Mr. Powell and himself and, by mutual request of the parties, the escrow has terminated. And further, that all original escrow documents have been returned to the company. This matter was further checked by Board's counsel, Mr. Steve Mendive, asking for further clarification and documentation of these facts and upon receipt of said materials from Mr. Ritchie, it is Board's counsel's opinion that Mr. Powell has: (1) conducted a corporate meeting as a sole shareholder, and (2) has elected himself as the sole director and president of the corporation. Thus, it would appear that Mr. Ritchie's request of

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 1st

page 17

the Board to issue a license to Idaho Guide Service, Inc./Jim Powell, President and Managing Agent, is warranted assuming Mr. Powell can meet all other qualifications in this regard, following which MSC (Miller--Crane) THAT THE BOARD ACCEPT THE REINSTATEMENT OF IDAHO GUIDE SERVICE AS A CORPORATE ENTITY IN THE STATE OF IDAHO AND APPROVE JIM POWELL AS MANAGING AGENT THEREOF WITH APPROPRIATE LICENSES ISSUED PENDING MEETING ALL OTHER QUALIFICATIONS FOR LICENSE REQUIREMENTS AND SECURING THE NECESSARY SPECIAL USE PERMITS FROM APPROPRIATE LAND MANAGING AGENCIES. [Administrative Note: A letter should be addressed to Mr. Ritchie with copy to LuVern Grussing and Art Seamans advising them of Board's action in this regard.]

**Salmon River Properties, Inc./Frank J. Valvo, Managing Agent:** The Board reviewed Mr. Valvo's file regarding his outfitter license application for conduct of big game hunting, trailrides, snowmobiling, and cross-country skiing. Following discussion of this matter, the Board finds that the application does not have land managing agency recommendation and is, therefore, incomplete. By letter dated August 2, 1988, the Bureau of Land Management notified the Board that "the Bureau of Land Management is currently working out the details necessary to clear the path for issuance of a special recreation use permit for use of public lands near the Twin Peaks Ranch." Thus, the Board will take no further action on this application until such time as the BLM has concluded its assessment/approval or disapproval of a special recreation use permit and so make its decision known to the Board to complete the application. The Board will so notify Mr. Valvo and the Bureau of Land Management.

**Leo Crane/Mike Stockton:** The Board reviewed the outfitter amendment requests received from Messrs. Crane and Stockton for the conduct of bear hunting in portions of Fish and Game Management Unit 10A. It further noted that this matter had been referred to the Idaho Outfitters and Guides Association with a request that a committee be impaneled to review the respective amendment requests and to make recommendation as to that applicant they felt best qualified for conduct of said activity. This recommendation has now been received by the Board and following a discussion of these recommendations from the committee, MSC (Miller--Baird; Crane abstained) THAT THE BOARD: (1) ACCEPT THE COMMITTEE'S RECOMMENDATION THAT LEO CRANE BE THE SUCCESSFUL APPLICANT; (2) APPROVE LEO CRANE'S AMENDMENT REQUEST WITH LIMITATION OF NO MORE THAN FOUR (4) BEAR HARVESTED PER SPRING BEAR SEASON; (3) ISSUE SAID AMENDED LICENSE UPON COMPLETION OF NECESSARY PAPERWORK AND PAYMENT OF FEES; AND (4) DENY MICHAEL J. STOCKTON'S AMENDMENT REQUEST FOR SPRING BEAR HUNTING IN FISH AND

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 1st

page 18

GAME MANAGEMENT UNIT 10A. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH AND PURSUANT TO IDAHO CODE 36-2109(b)(5) AND IDAHO OUTFITTERS AND GUIDES LICENSING BOARD RULE AND REGULATION NO. 19.(f. & g.).

**Ed Hunt dba Sundog Outfitters:** The Board reviewed Mr. Hunt's file and letter dated June 14, 1988 in which he has requested various amendments to his outfitter license; namely: (1) the sale and transfer of that portion of his business on the St. River Basin to Mike Stockton which is addressed by prior Board action; and (2) a re-organization of that portion of his business retained in Fish and Game Management Unit 3 to amend said license in this area to include hunting of bear, predators, and cougar and power boating activities; and (3) to change his business name to Sundog Outfitters. Pertinent research was initiated relative to this latter amendment request and following a discussion of data and materials received, MSC (Miller--Crane) THAT MR. HUNT'S AMENDMENT REQUEST BE ADDRESSED IN THE FOLLOWING MANNER: (1) MR. HUNT'S REQUEST FOR BEAR AND COUGAR HUNTING BE DENIED IN ACCORDANCE WITH IDAHO CODE 36-2109(b)(5) AND IN ACCORDANCE WITH IDAHO DEPARTMENT OF FISH AND GAME RECOMMENDATIONS BY LETTER DATED AUGUST 12, 1988; (2) HUNTING OF PREDATORS BE APPROVED; (3) POWER BOATING OF CLIENTELE ACROSS COEUR D'ALENE LAKE THAT LIES WITHIN HIS LICENSED OPERATING AREA DOES NOT REQUIRE LICENSING BY THE BOARD BUT THAT HE BE ADVISED THAT SUCH CLIENTELE ARE NOT ALLOWED TO FISH WHILE ON THE LAKE; AND (4) THAT HIS NEW DBA IS ACCEPTABLE TO THE BOARD UPON PROPER REGISTER IN HIS COUNTY OF ACTIVITY AND PROVIDING THE BOARD WITH THE NECESSARY PAPERWORK IN THIS REGARD.

**Thomas H. Proctor dba Pioneer Mountain Outfitters:** The Board reviewed Mr. Proctor's outfitter amendment request for: (1) the addition of sheep hunting as a licenseable activity within that area for which he is already licensed for big game hunting; and (2) an operating area boundary adjustment to extend his operating area north within Fish and Game Management Unit 36 to the boundary of Fish and Game Management Unit 36 and 36A to abut the south boundary of Randy Baugh's operating area and Ron Gillett's. Following a review and discussion of this matter, MSC (Crane--Baird) THAT THE BOARD APPROVE: (1) SHEEP HUNTING AS A LICENSEABLE ACTIVITY; AND (2) THE MODIFICATION OF THE OPERATING BOUNDARY AS SUBMITTED. [Administrative Note: Linda, would you please work up the new operating boundary for my review and approval?]

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 1st

page 19

**Bighorn Outfitters/Curt Thompson, Managing Agent:** Bighorn Outfitters submitted an amendment request for an adjustment in their operating area boundary to extend same in the Bighorn Crags area into an area not currently licensed to another outfitter. The Forest Service and Idaho Department of Fish and Game have commented and have no problems relative to this proposed operating area boundary adjustment and in consideration of this matter, MSC (Miller--Crane) THAT THE BOARD APPROVE THE AMENDMENT REQUEST FOR THE OPERATING AREA BOUNDARY ADJUSTMENT FOR ALL CURRENTLY LICENSED ACTIVITIES BY BIGHORN OUTFITTERS. [Administrative Note: Linda, would you please work up a new operating area boundary description for my review and approval.]

**Jim Daude dba Gospel Mountain Outfitters:** The Board reviewed Mr. Daude's file and again considered his outfitter license amendment request for an adjustment in his operating boundary west to the Main Salmon River in the vicinity of Lucile, Idaho in Fish and Game Management Unit 14. Mr. Daude appeared before the Board relative to his amendment request at its meeting in June at which time he was instructed to provide additional information and data regarding his amendment request. This information has now been received together with data from the Idaho Department of Fish and Game, BLM, and Idaho State Department of Lands. Following a discussion of this matter, MSC (Baird--Crane) THAT IDAHO DEPARTMENT OF FISH AND GAME RECOMMENDATIONS NOTWITHSTANDING, MR. DAUDE'S APPLICATION BE APPROVED. (FISH AND GAME COMMENTS DO NOT GIVE ANY SUBSTANTIVE DATA GIVING REASON FOR THE BOARD TO DENY THIS REQUEST.) THE APPROVAL OF LICENSED ACTIVITIES WILL BE FOR ELK, DEER, AND INCIDENTAL BEAR. [Administrative Note: Linda, would you prepare an operating boundary description for this request? I believe the description contained in the Forest Service's letter may be pertinent but we need to check it out.]

**Rex E. Lanham, Jr. dba Lucky Brands Ranch:** The Board reviewed Mr. Lanham's file regarding the matter of obtaining a more precise legal description of his privately owned lands, thus his operating area for conduct of licensed activities. Following a review of this matter, MSC (Baird--Crane; Meiners votes "No") THAT MR. LANHAM'S REQUEST FOR RENEWAL OF HIS OUTFITTER LICENSE FOR THE 1988-1990 HUNTING SEASON BE APPROVED FOR THE CONDUCT OF THE REQUESTED OUTFITTING ACTIVITIES ON HIS PRIVATE LANDS AS INDICATED IN HIS HANDWRITTEN MEMO TO THE BOARD.

**D-Double-S Outfitters, Inc./Donald L. Dressen, Managing Agent:** The Board reviewed Mr. Dressen's file to note that his 1988-1989 outfitter license renewal application is still pending due to the fact that Mr. Dressen has not complied with the requirements of the Idaho Outfitters and Guides Act nor the Board Rules and Regulations which require that both the corporation name and the



STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 1st

page 20

managing agent's name either appear on the same bond or that each entity has its separate bond before license can be issued. Following a consideration of this matter, MSC (Miller--Crane) THAT THE CHAIRMAN BE INSTRUCTED TO: (1) ADVISE MR. DRESSEN THAT A LICENSE WILL NOT BE ISSUED UNTIL SUCH TIME AS HE COMPLIES WITH THE ACT AND BOARD RULES AND REGULATIONS; AND (2) FURTHER ADVISE MR. DRESSEN THAT UNTIL SUCH TIME AS THIS HAS BEEN DONE AND HE HAS A LICENSE IN HAND, THAT HE CEASE AND DESIST IN ADVERTISING, BOOKING OF CLIENTS, OR PERFORMING IN ANY CAPACITY AS AN OUTFITTER; AND (3) THAT THIS LETTER GO BY CERTIFIED MAIL. AUTHORITY FOR THIS IS AS FOUND IN IDAHO CODE 36-2108(b).

Let the record show that Ron Vaughn returned to the Board meeting at 1100 hours.

**Jeff L. Carlson:** The Board reviewed Mr. Carlson's file and 1988-1989 guide license application to note he has been convicted of various violations of Idaho Department of Fish and Game laws. Following this review and discussion of Mr. Carlson's application, MSC (Miller--Vaughn) THAT MR. CARLSON'S 1988-1989 GUIDE LICENSE APPLICATION BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(c) AND 36-2113(a)(6).

**Joe F. McKinnon:** The Board reviewed Mr. McKinnon's file and his 1988-1989 guide license application to note that he has been convicted of Fish and Game violations. Following a discussion of this matter, MSC (Vaughn--Crane; Miller voted "No") THAT MR. MCKINNON BE ISSUED A PROBATIONARY GUIDE LICENSE FOR THE 1988-1989 SEASON. THE TERMS OF PROBATION SHALL BE THE CUSTOMARY: NO VIOLATION OF LOCAL, STATE, OR FEDERAL LAW AND NO AMENDMENT OF SAID LICENSE FOR THE CURRENT YEAR.

**James R. Scott:** The Board reviewed Mr. Scott's file and his 1988-1989 guide license application noting that he has been cited and convicted of various violations of Fish and Game law and further noting the letter of recommendation submitted by his employing outfitter, Shepp Ranch, and in consideration and discussion of this matter, MSC (Miller--Baird) THAT MR. SCOTT BE ISSUED A 1988-1989 GUIDE LICENSE ON A PROBATIONARY BASIS. THE TERMS OF PROBATION SHALL BE THE CUSTOMARY: NO VIOLATION OF LOCAL, STATE, OR FEDERAL LAW AND NO AMENDMENT OF SAID LICENSE DURING THE CURRENT LICENSE YEAR.

**Kenneth John Corrigan:** The Board reviewed Mr. Corrigan's file and 1988-1989 guide license application noting that he has been convicted of violations of Fish and Game law. Following a discussion of this matter, MSC (Baird--Vaughn) THAT MR. CORRIGAN BE

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 1st

page 21

ISSUED A 1988-1989 LICENSE ON A PROBATIONARY BASIS. THE TERMS OF PROBATION SHALL BE CUSTOMARY: NO VIOLATION OF LOCAL, STATE, OR FEDERAL LAW AND NO AMENDMENT OF SAID LICENSE DURING THE CURRENT LICENSE YEAR.

**Douglas H. Leaton:** The Board reviewed Mr. Leaton's file and his 1988-1989 guide license application to note that he has been convicted of Fish and Game violations and to further note that he denied having been so convicted of said violation of Fish and Game law in Section D of his guide license application. Following a discussion and consideration of this matter, MSC (Vaughn--Baird; Crane & Meiners voted "No") THAT THE BOARD DENY MR. LEATON'S 1988-1989 GUIDE LICENSE. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH AND PURSUANT TO IDAHO CODE 36-2109(c) AND 36-2113(a)(1) & (c).

**Joe M. Bridges:** The Board reviewed Mr. Bridges' file and 1988-1989 guide license application noting that he had been convicted of Fish and Game violations. Following a discussion of this matter, MSC (Crane--Baird) THAT MR. BRIDGES BE ISSUED A 1988-1989 GUIDE LICENSE ON A PROBATIONARY BASIS AND THAT THE TERMS OF PROBATION SHALL BE NO VIOLATION OF LOCAL, STATE, OR FEDERAL LAW AND NO AMENDMENT OF SAID LICENSE FOR THE CURRENT LICENSE YEAR.

**Greg Burke:** The Board reviewed Mr. Burke's file and 1988-1989 guide license application noting that he has been convicted of Fish and Game violations and further noting that he has an incomplete application inclusive of not truthfully answered questions in Section D of said application, following which MSC (Miller--Crane) THAT MR. BURKE'S APPLICATION BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO OUTFITTERS AND GUIDES BOARD RULE 11 AND THE IDAHO OUTFITTERS AND GUIDES ACT, SECTIONS 36-2109(c) AND 36-2113(a)(1 & 6).

The Board recessed for lunch at 1215 hours and reconvened at 1330 hours.

**R. J. Lewy/Gladys York:** The next matter before the Board was a telephone call received from Mr. Lewy and Mrs. York regarding the possibility of obtaining Board permission to allow Mrs. York to have a drop camp outside her operating area within R. J. Lewy's operating area due to the emergency fire situation which appears to have already burned some 10,000 acres or so in Gladys York's operating area. A poll of the Board was to the effect that the Board would have no problem with this arrangement assuming the Forest Service would also be agreeable. In a telephone call back to Mrs. York and Mr. Lewy the Chairman conveyed the Board's

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 1st

page 22

position in this regard with the understanding that they would approach the Forest Service and provide us a letter or a copy of the permit or whatever showing that the Forest Service has authorized such a drop camp within Mr. Lewy's operating area. This arrangement/approval is on a one-time emergency basis only for this license year.

**John Juntunen:** The Board reviewed Mr. Juntunen's file and his 1988-1989 guide license application to note his conviction for serious violations of Idaho fish and game laws. Following a discussion and in consideration of this matter, MSC (Baird--Vaughn) THAT MR. JUNTUNEN'S 1988-1989 GUIDE LICENSE BE DENIED. AUTHORITY FOR THIS DENIAL IS IN ACCORDANCE WITH IDAHO CODE 36-2109(c)(5) AND 36-2113(a)(6).

**Idaho Adventures, Inc./Hank Miller, Managing Agent:** Following an interview before the Board by Mr. Miller in which he explained his proposed re-organization and structure of his current business, namely Idaho Adventures, Inc., with two (2) successive businesses to be created out of this parent company, namely Miller and Moser as a partnership dba Idaho Adventures for the conduct of float boating activities on those waters currently licensed under the parent company and a sole proprietorship in the name of Hank Miller for the conduct of power boating activities on those waters for which the parent company is currently licensed. Mr. Miller's further request was that in view of the fact that the Board would not be meeting until November that he would like to consummate this re-structuring of his company during the month of October and that the Board approve the proposed plan subject to his submission of the necessary paperwork with the Board's granting the Chairman the authority to review this paperwork and, if found in keeping with procedures and completeness, to approve the proposed re-structuring of the company and issue of license(s). Following a discussion of this matter by the Board, MSC (Baird--Crane; Miller abstained) THAT THE BOARD APPROVE THE PROCEDURES IN ACCORDANCE WITH THE FOREGOING CRITERIA WITH THE CHAIRMAN AUTHORIZED TO REVIEW THE PAPERWORK AS IS SUBMITTED IN CONSULTATION WITH THE BOARD'S ATTORNEY AND, IF FOUND APPROPRIATE, TO APPROVE AND LICENSE(S) TO BE ISSUED.

**IOGA-Grant Simonds, Executive Director:** Mr. Simonds met with the Board to update their knowledge of the cache issue as it relates to the Frank Church River of No Return Wilderness with a request that the Board review the updated material presented and further take a position of support regarding the IOGA's position on this issue. Following a discussion and in consideration of this request, MSC (Miller--Baird) THAT THE BOARD DIRECT ITS CHAIRMAN TO ADDRESS A LETTER TO THE CHIEF OF THE FOREST SERVICE IN SUPPORT

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 1st

page 23

OF THE IDAHO OUTFITTERS AND GUIDES ASSOCIATION'S POSITION ON THE NEED FOR AND CONTINUED USE OF CACHES IN THE FRANK CHURCH RIVER OF NO RETURN WILDERNESS. FURTHER, THAT SAID LETTER SHOULD STRESS THE BOARD'S CONCERN FOR THE HEALTH, SAFETY, WELFARE, AND FREEDOM FROM INJURY OR DANGER OF THE CLIENTS THAT THE OUTFITTERS SERVE WHICH IS THE EXPRESSED EXPLICIT PURPOSE OF THE OUTFITTERS AND GUIDES ACT PURSUANT TO IDAHO CODE 36-2101.

**Lester (Zeke) West dba Whitewater Outfitters:** The Board reviewed Mr. West's file and correspondence regarding his licensing for power and float boating activities on the Salmon River from Vinegar Creek to Hammer Creek [SA7A] and on the Salmon River from Hammer Creek to Heller Bar and on to Lewiston [SA8]. It further noted its June 13, 1988 letter to Mr. West regarding the necessity of his clarifying the status of his use on SA7A and SA8 with the Bureau of Land Management. These materials are now at hand to enable the Board to make a determination of its future action; thus, MSC (Miller--Vaughn) THAT: (1) THE BOARD'S RECORDS BE UPDATED IN ACCORDANCE WITH THE LETTER FROM THE BUREAU OF LAND MANAGEMENT DATED APRIL 26, 1988 WHEREIN THEY INDICATED THEY HAVE TRANSFERRED THE PERMIT CURRENTLY ISSUED TO LEROY WEST TO LESTER (ZEKE) WEST/WHITEWATER OUTFITTERS dba WHITEWATER FLOATS/LEROY WEST, MANAGING AGENT, FOR FLOAT BOATING PRIVILEGES ON THE SALMON RIVER--VINEGAR CREEK TO HAMMER CREEK [SA7A] AND HAMMER CREEK TO LEWISTON [SA8]; (2) THAT IN ACCORDANCE WITH THE TELEPHONE CONVERSATION THIS DATE BY AND BETWEEN THE BOARD'S VICE CHAIRMAN, HANK MILLER, AND LUVERN GRUSSING OF THE BLM WHEREIN MR. GRUSSING HAS INDICATED THAT HE IS UNWILLING TO HONOR OR ISSUE A PERMIT FOR THE CONDUCT OF POWER BOATING ACTIVITIES ON SA7A AND SA8, THAT MR. WEST BE ADVISED AS FOLLOWS: (A) THE BOARD WOULD ENTERTAIN A VOLUNTARY RELINQUISHMENT OF POWER BOATING ACTIVITIES ON THESE TWO (2) RIVER SEGMENTS WITH NOTIFICATION OF SAID RELINQUISHMENT TO THE BOARD NO LATER THAN OCTOBER 31, 1988; OR (B) THAT MR. WEST INITIATE THAT ACTION NECESSARY TO MAKE AN APPLICATION TO THE BLM FOR THE CONDUCT OF POWER BOATING ACTIVITIES ON THE SALMON RIVER--VINEGAR CREEK TO HAMMER CREEK [SA7A] AND HAMMER CREEK TO LEWISTON [SA8] IN ACCORDANCE WITH LICENSING REQUIREMENTS FOR AN APPROPRIATE LAND MANAGING SPECIAL USE PERMIT TO BE ISSUED/DENIED WITH NOTIFICATION TO THE BOARD OF ACTION TAKEN TO SECURE SAID SPECIAL USE PERMIT NO LATER THAN DECEMBER 31, 1988.

**Lester (Zeke) West dba Whitewater Outfitters/Don West:** The Board reviewed/considered reports that Zeke West may have employed Don West as an unlicensed guide in conduct of bear hunts in the spring of 1988 in violation of 36-2113(a)(9). Following a discussion of this matter, MSC (Baird--Vaughn) THAT THE BOARD REQUEST MESSRS. LESTER AND DON WEST TO APPEAR BEFORE THE BOARD AT ITS NOVEMBER MEETING TO DISCUSS/EXPLAIN THE CIRCUMSTANCES WHICH MAY HAVE BEARING ON THESE REPORTS.

681

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 2nd

page 24

The Board recessed at 1730 hours and reconvened on Friday, September 2, 1988 at 0815 hours with all Board members present.

**Ridge W. Taylor:** The Board reviewed Mr. Taylor's August 31, 1988 letter in which he requests Board authority to conduct a trophy mule deer hunt in Fish and Game Management Unit 169 with same being a draw hunt. It appears that Mr. Taylor has four (4) clientele with one (1) hunt scheduled for the period of November 15-21, for a Dr. Robert E. Speegle of Garland, Texas and a Mr. Chantelle Taylor of Pocatello, Idaho; and a second hunt scheduled from the period of November 22-30 for Mr. Wayne M. Comfort of LaMesa, California and a Mr. Edward G. Bolen of Ramona, California. Following a review of this matter and the Board's approval of a special hunt for Mr. Taylor last year and further his denial of having this area issued as a part of his regularly scheduled operating area with the statement by the Board that if Mr. Taylor was successful in securing future clientele on a special hunt basis, the Board would consider such hunts on an individual need basis. With this matter in mind, MSC (Crane--Vaughn) THAT THE BOARD APPROVE MR. TAYLOR'S REQUEST FOR THE FOREGOING HUNTS AND CLIENTELE.

**Rulesmaking:** The next matter to come before the Board was the consideration of the proposed rules package beginning with Scope, then Definitions, and moving on to Rules 1 through 64 in sequential order. Only that matter, definition or rule which the Board chose to delete or modify in accordance with input received in the course of the public hearings held August 17, 18, and 19, 1988 at Grangeville, Coeur d'Alene, Salmon, Idaho Falls, and Boise, Idaho together with the written comments received following said public hearings is recorded in these Minute proceedings. All other materials remain as was presented in the proposed rules package. Thus, we move to Definitions for the first item of consideration being:

**Captain:** This is deleted in its entirety.

**Charter Boat Fishing:** This is deleted in its entirety.

**Designated Agent:** This is modified to read as follows: Designated agent shall mean an individual who meets all qualifications for an outfitter's license who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations. The name of each designated agent em-

682



STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 2nd

page 25

played by an outfitter shall appear on the outfitter's bond. A designated agent may act as a guide if he possesses the qualifications of a guide as determined by the Board. [previously referred to as Managing Agent]

**Facilities and Services:** This is amended to read: Facilities and services shall mean the provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as defined in Idaho Code 36-2102(b).

**Lake:** This definition is deleted in its entirety.

**License Amendment:** This definition is deleted in its entirety.

**Mate:** This definition is deleted in its entirety.

**Reservoir:** This definition is deleted in its entirety.

**Rule 5:** Rule 5 was amended to read: A license issued by the Board shall: (1) for an outfitter license specify the operating area and all activities for which the outfitter is licensed; (2) for a guide license specify all activities for which a guide is qualified to guide and shall indicate the outfitter(s) who signed the guide license application as the employing outfitter(s); and (3) identify such limitation(s) or qualification(s) as may be imposed by the Board in issue of said license. Sub-paragraphs (a), (b), (c), (d), (e), and (f) are unchanged.

**Rule 6:** Rule 6, sub-paragraph (d) is amended to read: When an outfitter utilizes equipment from another outfitter or a guide in the provision of facilities and services to clientele, a written rental or lease agreement shall be filed with the Board.

**Rule 7:** Rule 7 has a clerical correction in the Idaho Code reference which should read: Idaho Code 36-2108(d)(3).

**Rule 20:** There's an administrative/grammatical change on the third line striking the words "of operation" and following the new language which is underlined stating "operating area(s)".

**Rule 29:** There's an administrative/grammatical change. Place a period after the word "public roads" in the next to last line and strike the rest of that sentence.

683

**Rule 33:** The Board reviewed the proposed rules package relative to Rule 33 and in consideration of the overwhelming testimony received at all public hearings plus written comments received by the Board, MSC (Vaughn--Baird) THAT THE PROPOSED RULE BE STRUCK IN ITS ENTIRETY AND THAT THE CURRENT RULE BE KEPT IN ITS ENTIRETY.

**Sub-Section Entitled Guide Application Requirements - Charter Boat Fishing and Rule 46:** Following a review of this sub-section title and proposed Rule 46 and in discussion thereon, MSC (Miller--Vaughn) THAT THE SUB-SECTION TITLE BE MODIFIED TO READ: GUIDE LICENSE REQUIREMENTS - POWER BOAT FISHING; LAKES AND RESERVOIRS. RULE 46 TO BE MODIFIED TO READ: ALL APPLICANTS FOR A POWER BOAT FISHING GUIDE LICENSE SHALL: (A) POSSESS THE ABILITY AND KNOWLEDGE TO: (1) MANEUVER OR PILOT A POWER BOAT UPON IDAHO LAKES AND RESERVOIRS OPEN TO POWER BOAT FISHING; (2) HAVE OPERATED A POWER BOAT FOR A MINIMUM OF TEN (10) HOURS UPON THE LAKES AND RESERVOIRS BEING REQUESTED; AND (3) SUBMIT A LOG OF SAID EXPERIENCE SHOWING DATES AND HOURS LOGGED, LOCATION OF LAKES AND RESERVOIRS UPON WHICH SAID EXPERIENCE HAS BEEN GAINED AS CERTIFIED BY THE EMPLOYING OUTFITTER AND CONDUCT HIS BUSINESS IN ACCORDANCE WITH THE IDAHO SAFE BOATING ACT, IDAHO CODE, TITLE 67, CHAPTER 70.

**Rule 48:** Following a review of this proposed deletion as regards upland game and waterfowl hunting and in consideration of input received by the Board, MS (Baird--Meiners) THAT THE ABOVE-STATED RULE NOT BE DELETED FROM THE OUTFITTERS AND GUIDES RULES AND REGULATIONS AT THIS TIME AND THAT IT BE RETAINED AND THE FISH AND GAME REPRESENTATIVE BE DIRECTED TO WORK WITH THE FISH AND GAME DEPARTMENT TO DEVELOP REGULATIONS AND GUIDELINES FOR THE FUTURE IMPLEMENTATION OF ALLOWING OUTFITTING ACTIVITIES FOR UPLAND GAME BIRDS AND WATERFOWL. Following a discussion of this motion, the following substitute motion is offered: MSC (Vaughn--Crane) THAT RULE 48 BE DELETED AND THAT DALE, BEING THE FISH AND GAME REPRESENTATIVE, WORK WITH THE FISH AND GAME AS SOON AS POSSIBLE TO GET THEIR INPUT ON COMING UP WITH A SET OF STANDARDS FOR THE OUTFITTER TO BE LICENSED FOR UPLAND GAME BIRD AND WATERFOWL HUNTING. The question was called for on role call: Crane--"Aye"; Baird--"No"; Miller--"Aye"; Meiners--"No"; Vaughn--"Aye".

**Rule 55:** Following a review of the proposed rule and discussion and in keeping with other Board action relative to the charter boat fishing activities, MSC (Miller--Vaughn) THAT THE PROPOSED RULE 55 BE DELETED IN ITS ENTIRETY AND RESERVED FOR A FUTURE RULE.

**Rule 56:** The Board reviewed Rule 56 and in keeping with prior Board action on other rules, Rule 56 should be modified to read: In order to safeguard the health, safety, and welfare of the public and for the conservation of wildlife resources, there shall be a limit to the number of outfitter licenses issued for power or float boating on each of the rivers, streams, lakes, or reservoirs designated for commercial boating operations.

**Rule 57.a.--River List:** With the first river being:

**[B01] Boise River--South Fork:** Following a discussion of this matter and review of the record established by the public hearings process and written comments received there-to, MS (Vaughn--Crane) THAT THE PROPOSED RULE BE AMENDED AS FOLLOWS: THAT WE ALLOW TWO (2) OUTFITTERS, TWO (2) BOATS EACH, WITH NO MORE THAN TWO (2) FISHERMEN PER BOAT FROM THE DANSKIN PUT-IN TO THE NEAL BRIDGE TAKE-OUT; NO WEEKENDS OR HOLIDAYS; NO SPLASH AND GIGGLE--THIS WOULD BE FOR FISHING ONLY; WITH NOTHING ABOVE THE DANSKIN PUT-IN. Discussion followed with the result of a substitute motion being offered: MS (Baird--Meiners) THAT THE SOUTH FORK OF THE BOISE RIVER BELOW ANDERSON DAM BE OPENED FOR COMMERCIAL OUTFITTING WITH A LIMIT OF TWO (2) OUTFITTERS WITH NOT MORE THAN ONE (1) BOAT PER OUTFITTER AND ACTIVITIES LIMITED TO WEEKDAYS ONLY; NO HOLIDAYS OR WEEKEND DAYS WOULD BE ALLOWED; THAT THE FISHING STRETCH WOULD OCCUR FROM ANDERSON DAM TO THE NEAL BRIDGE AND THAT NO RECREATIONAL FLOATING BE ALLOWED. FURTHER, THAT EACH OUTFITTER BE LIMITED TO NOT MORE THAN TWO (2) FISHERMEN PER BOAT AND THAT NO OVERNIGHT CAMPING IN THE CANYON FROM DANSKIN TO NEAL BRIDGE OCCUR; THAT THE AREA IS NOT AVAILABLE FOR GUIDED WALK AND WADE FISHING. The question was called for on a role-call basis: Crane--"No"; Baird--"Aye"; Miller--"No"; Meiners--"No"; Vaughn--"No". The question was called for on the original motion on a role call basis: Crane--"Aye"; Baird--"No"; Miller--"No"; Meiners--"No"; Vaughn--"Aye". Following a consideration of these two (2) motions, both of which failed, MS (Miller--Meiners) THAT THE SOUTH FORK OF THE BOISE RIVER NOT BE OPENED TO COMMERCIAL FISHING FROM ANDERSON RANCH TO NEAL BRIDGE AS REQUESTED BY PETITION PRESENTED IN THE PROPOSED RULES PACKAGE. Following a discussion, the following substitute motion is presented: MSC (Baird--Vaughn) THAT THE SOUTH FORK OF THE BOISE RIVER FROM THE DANSKIN BRIDGE TO THE NEAL BRIDGE BE OPENED FOR COMMERCIAL OUTFITTING FOR FISHING ONLY; THAT THE LIMITATIONS ON THAT STRETCH OF RIVER BE THAT NO MORE THAN TWO (2) OUTFITTERS BE ALLOWED; THAT NO MORE THAN ONE (1) BOAT BE ALLOWED PER OUTFITTER; THAT NO MORE THAN TWO (2) FISHERMAN PER BOAT BE ALLOWED; THAT NO OVERNIGHT CAMPING IN THAT STRETCH OF THE RIVER BE ALLOWED; THAT NO WALK AND WADE FISHING BE PERMITTED; AND THAT NO OUTFITTED

ACTIVITIES WILL OCCUR ON WEEKENDS OR HOLIDAYS. The question was called for on a role call vote: Crane--"Aye"; Baird--"Aye"; Miller--"No"; Meiners--"No"; Vaughn--"Aye". Thus, the South Fork of the Boise River shall be opened to commercial fishing only from Danskin Bridge to Neal Bridge as prescribed in the substitute motion.

[CL3] Clearwater River--Orofino to Lewiston: The proposed rule was to combine the allotted use on CL3 with twenty (20) outfitters for either power or float or combination thereof. MS (Miller--Meiners) THAT IN VIEW OF PUBLIC INPUT RECEIVED, THE BOARD LEAVE THIS AS IS CURRENTLY LICENSED OF TEN (10) POWER AND TEN (10) FLOAT. Following a discussing of this matter, the following substitute motion is made: MSC (Crane--Baird) THAT THE TEN (10) FLOAT OPERATORS BE ALLOWED TO USE A MAXIMUM OF A FIFTEEN (15) HORSEPOWER KICKER ON THEIR FLOAT BOATS IN ADDITION TO THE TEN (10) POWER OPERATORS. The question was called for on the substitute motion on a role call vote: Crane--"Aye"; Baird--"Aye"; Miller--"Aye"; Meiners--"Aye"; Vaughn--"Aye". Following a further discussion on this matter, MSC (Miller--Vaughn) MOVES FOR RE-CONSIDERATION OF THE PREVIOUS MATTER, following which MSC (Baird--Miller; Crane votes "No") THAT CLEARWATER RIVER SECTION CL3--OROFINO TO LEWISTON STRETCH OF RIVER BE LEFT AT TEN (10) POWER AND TEN (10) FLOAT OUTFITTERS AS IS.

[FA1/FA2/FA3] Fall River: Following a discussion and consideration of the testimony and written comments received, MSF (Miller--Meiners) REGARDING THE FALL RIVER, THAT WE OPEN UP THE FALL RIVER FOR COMMERCIAL PURPOSES FROM THE RED BRIDGE TO ITS CONFLUENCE TO ALLOW TWO (2) OUTFITTERS USING TWO (2) BOATS PER DAY FOR FISHING ONLY AND NO OTHER RECREATIONAL USES. The question was called for on a role call vote: Vaughn--"No"; Meiners--"No"; Miller--"Aye"; Baird--"No"; Crane--"No". Thus, the motion fails and following a discussion, MSC (Baird--Crane) THAT THE FALL RIVER STRETCH FROM RED BRIDGE TO THE CONFLUENCE SHALL NOT BE OPEN TO COMMERCIAL FLOAT BOATING. The question was called for on a role call vote: Vaughn--"Aye"; Meiners--"Aye"; Miller--"No"; Baird--"Aye"; Crane--"Aye".

[SA4A] Salmon River-Iron Creek to North Fork: Following a review of the proposed rules package and the proposed limits on power and float boating activities, MSC (Miller--Baird) THAT WE REDUCE THE NUMBER OF FLOATS DOWN TO ELEVEN (11) OUTFITTERS AND WE CHANGE THE POWER TO FIVE (5) OUTFITTERS.

[SA5] Salmon River-North Fork to Corn Creek: The Board reviewed the proposed rules package in which it was suggested that we reduce the allowable five (5) power boat use from five (5) to

three (3) and reduce the allowable float boat use from thirteen (13) to nine (9). Following a consideration of this matter and input received regarding this proposal, MSC (Miller--Baird) THAT ON THE SECTION OF RIVER SA5, WE ESTABLISH THE NUMBER OF OUTFITTERS FOR POWER AT FIVE (5) AND THE NUMBER OF OUTFITTERS FOR FLOAT AT NINE (9).

**[SA6] Salmon River-Corn Creek to Spring Bar:** Following a review of the proposed rule to change the allowable number of float and power boating activities from eighteen (18) power to thirteen (13) power and from thirty-four (34) float to thirty (30) float, MSC (Miller--Vaughn) THAT ON SA6--SALMON RIVER FROM CORN CREEK TO SPRING BAR, THAT WE ESTABLISH THE NUMBER OF POWER BOAT OUTFITTERS AT FOURTEEN (14) AND THE NUMBER OF FLOAT BOAT OUTFITTERS AT THIRTY-ONE (31). HOWEVER, IF SLOTS BECOME OPEN DUE TO NONUSE IN THE FUTURE, THAT THESE SLOTS NOT BE FILLED UNTIL THE NUMBERS OF THIRTEEN (13) POWER AND THIRTY (30) FLOAT ARE ATTAINED.

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

**[SA7] Salmon River-Vinegar Creek to Hammer Creek:** Following a review of the proposed rulesmaking and comments received during public hearings and written testimony, MSC (Miller--Vaughn) THAT SA7A, LICENSE PERIOD FROM APRIL 1ST TO SEPTEMBER 30TH, VINEGAR CREEK TO HAMMER CREEK--EXCEPT NO POWER BOATING ALLOWED FROM THE SATURDAY BEFORE MEMORIAL DAY THROUGH LABOR DAY FROM 10:30 AM TO 5:00 PM, MOUNTAIN TIME, DAILY BETWEEN RIGGINS CITY BOAT DOCK AND LUCILE. MAXIMUM POWER TWELVE (12); MAXIMUM NUMBER OF FLOAT TWENTY-SIX (26); THAT SA7B, VINEGAR CREEK TO SPRING BAR. MAXIMUM NUMBER OF POWER TWELVE (12); MAXIMUM NUMBER OF FLOAT TWENTY-SIX (26); SPRING BAR TO HAMMER CREEK, CLOSED TO ALL COMMERCIAL OUTFITTING FROM OCTOBER 1 TO MARCH 31 EXCEPT THREE (3) DESIGNATED OUTFITTERS UTILIZING NO MORE THAN THREE (3) FLOAT BOATS PER OUTFITTER FOR FISHING ONLY. MAXIMUM NUMBER OF POWER ZERO (0); MAXIMUM NUMBER OF FLOAT BOATS THREE (3).

**[SS1] Snake River-South Fork, Palisades Dam to Poplar [Kelly Canyon]:** Following a review of the proposed rule and in consideration of public testimony and written comments received by the Board, MSC (Miller--Crane) THAT THE FOLLOWING SECTIONS OF RIVER BE DESIGNATED: SS1--SNAKE RIVER, SOUTH FORK--PALISADES DAM TO POPLAR [KELLY CANYON]. EACH OUTFITTER MAY USE AT ANY ONE (1) TIME A MAXIMUM OF TWELVE (12) BOATS. NO MORE THAN FOUR (4) OF THESE BOATS MAY BE USED AT ANY ONE (1) TIME ON ANY OF THE FOLLOWING RIVER REACHES: PALISADES DAM TO SWAN VALLEY BRIDGE; SWAN VALLEY BRIDGE TO BLACK CANYON; AND BLACK CANYON TO POPLAR [KELLY CANYON]. MAXIMUM NUMBER OF POWER FIVE (5); MAXIMUM NUMBER OF FLOAT SIX (6).



STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 2nd

page 30

**Rule 57.b.--Lakes & Reservoirs:** Following a review of the proposed rule concerning Idaho's lakes and reservoirs and in consideration of public input and the hearing record, MSC (Miller--Baird) THAT RULE 57.b. SHALL READ: THE FOLLOWING LAKES AND RESERVOIRS OR PORTIONS THEREOF THAT LIE TOTALLY OR PARTIALLY WITHIN THE STATE OF IDAHO SHALL BE OPEN TO RECREATIONAL FISHING BY OUTFITTERS WITH THE FOLLOWING LIMITATIONS: COEUR D'ALENE LAKE - MAXIMUM NUMBER OF OPERATORS EIGHT (8), MAXIMUM NUMBER OF BOATS PER OPERATOR PER LAKE OR RESERVOIR ONE (1); DWORSHAK RESERVOIR - SEVEN (7), TWO (2); HAYDEN LAKE - ONE (1), TWO (2); HENRY'S LAKE - EIGHT (8), TWO (2); ISLAND PARK RESERVOIR - SEVEN (7), TWO (2); MAGIC RESERVOIR - THREE (3), TWO (2); PALISADES RESERVOIR - TEN (10), TWO (2); PEND OREILLE LAKE - ELEVEN (11), ONE (1); PRIEST LAKE - FIVE (5), ONE (1); ALL OTHER IDAHO LAKES AND RESERVOIRS SHALL BE LIMITED TO TWO (2) OUTFITTERS WITH A MAXIMUM OF TWO (2) BOATS, FLOAT OR POWER PER OUTFITTER.

**Rule 64:** The Board reviewed the proposed rule and following input regarding this rule, MSC (Baird--Crane) THAT THE RULE BE AMENDED TO READ AS FOLLOWS: IN LIEU OF SUSPENSION, PROBATION, RESTRICTION OR REVOCATION OF A LICENSE, THE FOLLOWING PENALTIES MAY BE APPLIED TO THAT LICENSEE OR THOSE LICENSEES FOUND TO HAVE VIOLATED THE PROVISIONS OF IDAHO CODE, TITLE 36, CHAPTER 21, OR THE RULES AND REGULATIONS OF THE BOARD. EACH NUMBERED PENALTY SET FORTH BELOW CORRESPONDS TO THE NUMBERED SUB-PARAGRAPH FOR DISCIPLINE SET FORTH IN IDAHO CODE 36-2113(a) WITH SUCH FINE, SUSPENSION, PROBATION, RESTRICTION OR REVOCATION OF A LICENSE APPLICABLE TO EACH NUMBERED PENALTY. THE LIST OF OFFENSES: FIRST, SECOND, AND THIRD, ITEMS ONE (1) THROUGH FOURTEEN (14) READ AS THEY ARE SHOWN FOLLOWED BY THIS STATEMENT: NO LICENSE SHALL BE ISSUED WHILE ANY OUTSTANDING ADMINISTRATIVE FINE IS DUE UNLESS AN ARRANGEMENT HAS BEEN MADE AND APPROVED BY THE BOARD FOR PAYMENT OF SAME.

**Proposed Rules Package:** With the entire proposed rules package having now been reviewed with specific deletions, modifications, or other additions made thereto, MSC (Vaughn--Baird) THAT THE PROPOSED RULES PACKAGE AS AMENDED BE ADOPTED TO BECOME EFFECTIVE OCTOBER 15, 1988.

**Idaho Big Game, Inc./Jon Goodman, Managing Agent:** Following a review of Mr. Goodman's file noting that he has been unresponsive to the Board's repeated attempts to gain additional information upon which to take further appropriate Board action regarding the renewal of his 1988-1989 outfitter license, MSC (Vaughn--Baird) THAT MR. GOODMAN'S 1988-1989 OUTFITTER LICENSE BE DENIED. AUTHORITY FOR THIS ACTION IS IN ACCORDANCE WITH IDAHO CODE 36-2109(c) AND 36-2113(a)(1, 7, & 14).

688

STATE OF IDAHO  
OUTFITTERS AND GUIDES LICENSING BOARD  
MINUTES - August 29-September 2, 1988  
proceedings of the 2nd

page 31

**Verlon Herndon:** The Board reviewed the August 27, 1988 letter received from Mr. Herndon of Ketchum, Idaho regarding a proposed commercial helicopter ski permit within the Sawtooth N.R.A. Following a discussion on this matter, the Board authorizes the Chairman to review the proposal and make appropriate Board response to Mr. Herndon's letter.

All Board business having been concluded, the Board adjourned at 1700 hours.

  
\_\_\_\_\_  
WILLIAM R. MEINERS, CHAIRMAN OF THE BOARD

ATTEST:

  
\_\_\_\_\_  
LINDA L. ELWOOD, ADMINISTRATIVE SECRETARY