

OUTFITTERS AND GUIDES BOARD

Boise, Idaho

January 9, 10 & 11, 1978

The Outfitters and Guides Board meeting convened at 8:30 a.m., January 9, 1978, with James F. Baughman, Vice-Chairman, Lon S. Jarvis and Ivol E. Sies present.

Walt Puckett, unlicensed guide applicant, was discussed--also the telephone call from a friend of Puckett's, Ronnie McCormick, DeVille, Louisiana, and another friend in the party who was from Texas. They all had gone hunting this year at no charge. Next year they said they have a planned paid hunt with him. Ivol said he has given this information to the Fish & Game conservation officer, Tom Reiniker. It was brought up also that a letter has been written and mailed to Puckett in reply to his request for refund of his \$15.00 guide license fee. Idaho Code 36-2108 (b-2) was quoted, showing the fee non-refundable, and the license application is still incomplete and not denied.

The minutes of the December board meeting were read. Ivol motioned they be approved, Lon seconded and they were approved as read.

Lon brought up discussion on what were the three types of ski requirements brought out in the December Association meeting. Lon remembers that the Forest Service had agreed with what the ski group came up with in their meeting. He suggested we talk with David O. Lee, Sawtooth NRA, Ketchum. The Board agreed more information was needed on the skiing requirements.

Vladimir Kovalik, Pacific Grove, CA called to advise he would not meet with the Board at this time, as the deal with Ed McCathy of Lute-Jerstad Co., Portland had fallen through.

Max J. Bitton and his son, Jeffrey Bitton met with the Board. It was determined that Max Bitton would keep the outfitting business in his name and change it to Maxwell J. Bitton bda Mystic Saddle Ranch, with Jeff to be licensed as managing agent. Mr Bitton plans to bring his daughter into the business later also. The Board gave them the necessary papers for the licenses and saw no problem if all applications are completed correctly.

William J. Guth arrived and joined the board meeting at 10:15 a.m.

Arlen Rose and Don Dixon from Washington met with the Board regarding the transferral of Rose's outfitting business to Mr. Dixon. Mr. Rose will keep his lodge and lease it to Mr. Dixon for use in his business. As Dixon has had "2 years under his belt" and "basically ran the business last year, as he was tied up in construction business," Mr. Rose felt Mr. Dixon was well qualified. The Board inquired into the terms of the agreement (\$250.00 per month for two years--then paying balance) and warned Mr. Dixon of problems resulting of overbooking.

Jerry Spear, Shelbyville, Indiana called the Board for applications to be mailed as he said he was taking his area back again from Ron Chandler.

Roy "Nick" Nicholson met with the Board--(Dave Stelling was flying in and was late). Mr. Nicholson said he is transferring his permit on the upper

Salmon River to Dave Stelling. He said he plans to keep his Middle Fork of the Salmon permit and try to pick up a Main Salmon River permit.

Maxine Larkin, Idaho Outfitters & Guides Assn. secretary met with the Board, and passed out copies of their Boating Committee's recommended amendments of the rules & regulations dated July 27, 1977. The amendments were drafted during their December 15 meeting, and Maxine had typed them from the notes Sharon Miller has taken. At this time, Richard K. Jones, World Wide River Expeditions', letter was read. The letter was written to the Board for their review during this meeting, and concerned rule no. 26-b, which Mr. Jones considers too restrictive and gave his concensus of the boating committee's "reaction", and the "licensing board's meddling". Discussion followed as the recommended amendments were read. Maxine asked what the Board would like to do. She was advised that the Board would go over these recomendations and will have something by the Association's spring meeting. Also she asked the Board to assign a point opposite Heller Bar on the Snake River's Idaho side so these amendments may be complete for the Association to present. Maxine offered to come back when the Board had the chance to go over these proposals and take notes etc.

Dave Stelling arrived at 11:40 a.m., and he and Mr Nicholson met with the Board, and explained that it was Mr. Stelling's plan to try to get all the Sun Valley business and charter buses for day trips on the upper Salmon River, First Bridge above Red Fish Lake Cr. to Slate Cr. Also Mr. Stelling said he would be managing agent for Eldon Beam for 10 years and would run the two permits together. The Board saw no problem and Mr. Nicholson will send a release letter. Mr. Stelling turned in his outfitter forms and fee, and will mail in the bond before March 31, 1978.

The Board discussed licensing of Salmon River from Slate Creek to Challis, and all agreed the water was too dead, as well as the Forest Service and salmon fishermen would have complaints.

The meeting recessed for lunch at noon.

At 1:15 p.m., the Board reconvened, with the same members present.

The changes in the Law and who would sponsor the legislation was talked about. Bill said Norman Guth will be in town and the Board could talk to him regarding the Association sponsoring the legislation. Also Mr. Baughman read the proposed amendment corrections: Idaho Code 36-2108 and rules and regulations no. 5 (a), "Be a citizen of the United States", and from Idaho Code 36-2117, page 10 "All fines and penalties collected for violation of this section", etc. "shall be paid over by such court in the same manner as provided for disposition of fish and game violations," etc. The Board agreed these corrections should be made and "Be a citizen of the United States" be taken out and the disposition of fines and penalties be corrected to not be disposed as set out by Fish and Game law, as now provided.

At 1:45 p.m., Mr. Fred Wright and a guide, Dave McConnell, of Victor, Montana were invited to meet with the Board. The Board read/his letter of concern regarding Richard Norris's trespassing in Wright's area. Mr. Wright showed the Board on the map where Norris's party had been hunting in on him, and also showed where his best hunting was. Mr. Wright also said Dick Norris had approached him at breakfast today and had said he'd hunted that area for 5 years before Wright had obtained it, and intended to continue. When Lon asked if Mr. Wright had been in Mr. Norris's area in retaliation, he answered "no".

Fred Wright and Dave McConnell were asked to wait outside the board room, and Richard Norris was invited in. He also had a guide with him, Kevin Wells.

Mr. Norris said his main camp had been set by Art Seamons of the Forest Service, and it was at the very edge of his area, next to Wrights, but claims this camp is in the only area which has grass for his stock. Mr. Norris showed on the map the area he wants as "joint use", after he was told by the Board Mr. Wright does not want him hunting his area. Norris said he had hunted the area 5 years when was Gilmans and Jackmans and no trouble.

Mr. Ron Malone and his wife, and Mr. Wright and his guide all joined the meeting with Mr. Norris and the Board, regarding boundaries. Ron Malone said his guides had seen Richard Norris's guides in his area hunting spring bear, (Mr. Norris had previously said he had not been in Malone's area). Ron Malone asked the Board's feeling on the Forest Service putting another hunter into an outfitter's assigned area, as the Forest Service said they could do. He said Art Seamons has done this--the Board said they couldn't understand Seamons doing this.

After Fred Wright again said he wanted Richard Norris to stay completely out of his area and asked the Board to outline the two areas on two maps he has supplied, Mr. Baughman told Mr. Norris he was to have written permission from each outfitter before hunting areas besides his own. Mr. Baughman further read the rule from Idaho Code 36-2113 (8), covering/^{not}staying in licensed area, as grounds for revocation or suspension of license. Mr. Norris agreed before leaving the meeting, to stay in his own area and keep his camp where it is, as "it would bankrupt him to move it".

After Mr. Norris and Mr. Wright and their guides left the meeting, Mr. Malone gave the Board a letter from Fish & Game senior conservation officer, Gary Powers, regarding cougar hunting in the Challis area. The letter was the result of a meeting held in December, 1977, of private lion hunter, Ryan Hunt and outfitters hunting areas 36A & 36B, and Mr. Powers. Several resolutions were set out in the letter. One being the commercial hunters to hunt jointly Units 36A & 36B are to be Gary Madsen, Scott Farr, Ron Malone and Ken Smith, with a total of 8 clients. Lon pointed out that part of his area is in Unit 36A--Ron Malone said he would only hunt Yankey Fork drainage down the Salmon River to Hat Cr. Lon said he sees no problem as long as the area is open. Bill Guth also said that if Ron Malone had a client for a March lion hunt, he would let him in his area. The Board suggested a map be submitted so they may revise it to exclude other outfitters in the area requested who are already licensed. Mr. Malone also asked for an area south of Twin Falls. Mr. Baughman and Ivol Sies suggested an opinion from Fish & Game was needed before this extention may be acted on.

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At 3:30 p.m., Doug Anderson, who has a Boise Fly Shop, Streamside Adventures, in partnership with James Bonnett, met with the Board to request a fishing outfitter license to operate in conjunction with his fly shop. The areas requested were the South Fork of the Boise River and Natures Conservancy public fishing area on Silver Creek. The Board told Mr. Anderson that float boat fishing would not be considered for licensing, because of interfering with other fishermen and the tendency to float for pleasure. Also, it was pointed out by Mr. Baughman, the South Fork of the Boise River already has overuse by the public. After much discussion regarding Silver Creek, Mr. Anderson was advised to hold his license application until further information was received, and that the Board would contact Fish & Game and Natures Conservancy.

The balance of the day, the Board discussed the changes in the law and the proposed amendments to the law changes. Resolutions proposed to amend the law changes ready to go to the Legislature were discussed: #1--to delete "not a citizen of the United States" from Idaho Code 36-2109 (c), and #2--from Idaho Code 36-2117 concerning moneys accumulated from fines, penalties, etc. to have the disposition as set out by Fish & Game law, to be corrected to be the same disposition as set out in Idaho Code 36-2116. A motion was made by Lon to adopt these two resolutions and present them with the law changes to the Legislature, seconded by Bill, and passed.

Norman Guth stopped by the meeting and advised that the Idaho Outfitters and Guides Association would sponsor the law changes and he had made an appointment with Mr. Vard Chatburn, Chairman of Resources & Conservation with the Legislature. The meeting is set for January 19, at 1:30 p.m.

The Board recessed at 5:00 p.m.

TUESDAY, JANUARY 10, 1978

The Outfitters and Guides Board reconvened at 8:45 a.m., with the same members present.

Ivol brought up discussion on the Grand Canyon Dories trial set for next week, January 17 and 19. He mentioned the non-resident fee rate compared to the resident fee may be the one issue defeated that could hurt us. Discussion followed on the reasons behind the increase needed on fees. It was mentioned that Guy Hurlbutt said he would appeal if this issue was defeated.

A phone call from James Zanelli, Oxbow, Oregon was received. He said he could not make his appointment but inquired about F. O. "Gus" Garrigus's hunting area. Mr. Baughman explained that Garrigus's application was still incomplete and considered his area. Mr. Zanelli may apply for that area in 1978-79. After the phone call, there was discussion about Garrigus's application, and our attorney said he would investigate our law further in this case.

The Stanton Miller hearing was discussed--Ivol explained that our attorney, Guy Hurlbutt took depositions from Miller's guides at Salmon, regarding his boating operation. From these depositions, our attorney does not believe there are enough grounds on his boating business, but the Board must decide whether or not to continue the hearing. After more discussion, it was decided to see what the fifth board member's thinking was.

The Bureau of Land Management's moritorium on the Owyhee, Bruneau and Jarbidge Rivers was considered and was unanimously agreed upon to be continued for one more year, as requested by BLM.

Robert M. Smith's letter saying he could not make the meeting the Board has requested was read. It was decided a letter be sent to Mr. Smith regarding him getting his application in, completed with bond, ahead of the deadline in the future.

Larry Walker, Weiser, requesting an extention for two new bear hunting areas was brought up. Some of the area requested is the same as licensed to Phillip (Bub) Smith, but the Forest Service feels he is not using it to the extent they would like. Mr. Baughman suggests the Mountain Home area, if any, as Walker has asked for all of Smith's area. Ivol will check with Fish & Game, so will let the request ride until the Board hears from them.

At 10:15 a.m., Manford Isley, President of Oregon Outfitters & Guides Assn., called to say he has the flu, but requested a meeting with the Board in February.

Ken Smith's complaint from Frank Z. Reade was read. Mr. Reade could never receive a response from Ken Smith, although he had requested his license and tags both on the hunt and since, by letter. The Board suggested a letter of acknowledgement be written and an investigation into the tags situation begin.

Maxine, Assn. secretary, brought by a copy of a letter sent to the Assn. from Mr. David L. Heyen, Dorchester, Illinois, that he had written to Chuck Overland complaining of a hunt with Mr. Overland. It was decided a letter should be sent Mr. Heyen to tell him of the Board's interest in the disposition of his complaints and ask for the names of the guides and other hunting companions.

At 11:00 a.m., a phone call was received from Bill White, Darby, MT., and Mr. Baughman and Lon talked to him. He said his exwife had his contract tied up, and both Mr. Tom Drinville and he were booking hunters. Mr. White was advised to send in a copy of his contract and his brochure.

Dave Howard, Cascade, met with the Board regarding joint use on the Packer John area along the N. Fk. of the Payette River, for bow hunting of bear and cougar. He wants 10 to 12 clients and said he had talked to Tom Hansen who is licensed in the area. The Board thought they would approve his request and asked that he get a release from Mr. Hansen, finish his applications & bond, and get F.S. signatures at both the Emmett & Boise offices.

John Cantlin of Carol's Rock Shop, Salmon was discussed as Mike had questioned him on his activities. It was determined that our law does not cover his rock hunting excursions in this case, and a letter be sent to this effect with a carbon copy to Fred Snook, Lemhi County Presecuting Attorney.

At noon, the Board recessed for lunch.

The same Board members reconvened at 1:15 p.m., with Duane Beale and his sons, Steve and Tom present. Mr Beale had been called in again, as well as Mr. Phelps, to explain this past season's hunt operation, as additional complaints had come in.

Mr. Beale said he wanted to correct his statement made at the December meeting of number of horses and mules he furnished, as he had 32 horses and 11 mules. He said he was proud of his stock and blamed the sore horses on them all being put together in a small corral and not being rubbed down after they were ridden etc. He said he and Mr. Phelps had an oral contract, with his part being supplying stock and hunting area. He supplied the Board with a written statement of the hunting season, day by day events and supplied receipts of vet bills etc. When asked about the 42 hunters booked and if he had said "get as many hunters as can get," he told Mr. Baughman he had not said that. Mr. Beale turned in some letters from his guides which were addressed to the Board and were unopened.

Mr. Phelps and his wife met with the Board, after Mr. Beale and sons were asked to wait in the reception area. Mr. Phelps said the trouble started with the horses not all getting shod, as Mr Beale had too much to do and hadn't got the stock there in time to be shod. He said he had taken the books to Beale to show him the number of guests booked and that "Beale seemed to want more", but agreed when asked by the Board, that the responsibility of handling the booking as well as the managing had been his. He said his attorney had advised against paying Beale, but that he had paid all the help--(the letters from the guides said they had not been paid entirely). The Board also asked about the injured guest, Mr. Poetzl, and Mr. Phelps said he was with him and that he was on an old but gentle horse, and that one rein was shorter than other and the gentleman caused the horse to spin, throwing the old gentleman off. He said he and his wife took the man to the hospital and had stayed until 11:00 p.m. with him, and the next day had told Beale to go see him but Beale never went or called.

When the two men had related their problems and Mr. Beale and Mr Phelps both met with the Board, they looked over the list of hunters booked and determined that there were 22 guests for the first hunt. The Board pointed out that this overbooking, unshod horses, poor management and fees not collected were all contributing factors and since Mr. Beale had said he wanted experience, he should profit from this past year's experience. The Board told the gentlemen they would discuss the situation and send each a letter.

The meeting then recessed at 5:00 p.m.

WEDNESDAY, JANUARY 11, 1978

The meeting reconvened at 9:30 a.m., following a telephone call from David Hiatt of the Attorney General's office, regarding Grand Canyon Dories law suit. Mr. Lanham and Mr. Baughman both talked to Mr. Hiatt.

The following members were present: Rex Lanham, Chairman, James Baughman, Vice-Chairman and Ivol Sies.

The Stanton Miller hearing was discussed.

Bill Guth joined the meeting at 9:35 a.m. The Miller hearing was talked about some more. Bill mentioned that Millers guides had said there was unauthorized use of clients vehicles but no proof and that the guides not getting paid as agreed would come back to Miller when he tried to hire good guides again next year. A letter which arrived today was read on the boating operation of Stan Miller. Then it was decided to wait until further letters were received and all Board members could look at all evidence.

At 10:15 A.M., Mr. Martin Capps, Salmon, met with the Board. He first mentioned he had another outfitter hunting his and his son's, Randy, area. He said it was Ray Torrey and other outfitters were also complaining, and asked that the Board settle the matter or he would. He also talked of complaints against Mike. The next item he mentioned was, he was transferring his river operation: Main Salmon, Corn Cr. to Spring Bar to Bill Bernt, and The Middle Fork of the Salmon to Dick Lingnaw & group of Twin Falls, and he wanted to set this up for them.

Mr. Capps mentioned all our neighboring states and Alaska were trying to pattern their states after Idaho outfitters and guides law, so we must be on the right track, but thought some of the boating rules & regulations were too restrictive. He said there were too many varied boating operations to have rules for all, wants a happy medium. The Board pointed out their responsibility to the public and of those who have drowned being with outfitters etc. Mr. Capps said he understood the Board's problem as he had been there, but advised to not let those with special interests influence them too much, then left the meeting.

The bills paid since the July meeting were reviewed and approved. A letter with the FY 1979 Executive Budget was read and a letter from Hugh Cooke, McCall Recreation Program & brochures was read and discussed. Bill said he didn't see where a license was needed--all agreed.

At 11:00 a.m., Phil Swanstrum, enforcement officer, joined the meeting.

The lease for three (3) years @ same monthly rate was approved, and there was discussion brought up by Rex and Bill again on another telephone needed with an unlisted or unpublished number.

Herman Kuykendall's letter saying his hunting area transfer had fallen through, was read; Jerry Bastian and his business at Mack's Inn discussed;

Cecil's report read regarding Russell Dawson being cited; Hell's Canyon NRA, Monty Smith to be MA for Double K Outfitters letter & reply read; and William J. Gillespie's letter of complaint and his reply read and discussed. The Board determined a letter of acknowledgement to be sent and a request for Mr. Gillespie to come in.

Phil Swanstrum asked what the Board knew of Joe Peck's guide school--all the office knew was some of his guides had given his schooling as reference on their applications. Phil gave his report on various guide residency and illegal outfitting claimed in Ted Epley area. Phil also mentioned it would help to have the social security numbers on the applications and licenses--the Board concurred.

Attached is a list of the outfitters and guides whose licenses have been approved, extended or denied since the December 5 through 9, 1977 meeting.

The meeting adjourned at 12:15 p.m.

Deane Bobbett, Sec.

James H. Bangeman

Licenses approved, extended and denied from December 10, 1977 through January 11, 1978

APPROVED

OUTFITTERS

Florence, Frank P., M.A.
Sawtooth Mountaineering, Inc.
Smith, Robert M.

GUIDES

Andersen, Gabriele
Bailey, Gibson H.
Bradley, Juliet
Burton, James Dana
Eytchison, Delbert Lewis
Fenger, Thomas
Grube, Delynn M.
Hanson, Gerald
Levy, JoAnn Algiers
Paterson, Dennis James
Stanley, Donald William
Stitzinger, Gary W.
Wilhelm, L. Kent

EXTENDED

OUTFITTERS

Howell, F. W., M.A. -- license extended to include "Qualified to Guide, YES, all licensed activities."
Leonard, Joe -- license extended to include "Additional area for cross country skiing (day tours only)..."
Seely, Clyde G. -- license extended to include "Qualified to Guide, YES, all licensed activities."

GUIDES

(None)

DENIALS

OUTFITTERS

(None)

GUIDES

(None)