

OUTFITTERS AND GUIDES BOARD

Boise, Idaho

March 27-30, 1978

The regular meeting of the Outfitters and Guides Board convened at 8:45 a.m. with Rex Lanham, Chairman, James Baughman, Bill Guth and Ivol Sies present.

Martin Capps meet with the board to discuss the forest service moratorium on the Salmon River from North Fork to Corn Creek, and his license for this section of the river. He has sold his business on the other sections of the Salmon and Snake Rivers. He has also sold his Middle Fork business. Mr. Capps said the new forest service supervisor on the Main Salmon is Richard Hoff.

Bill Bernt telephoned and discussed with the board his license situations on the lower Salmon and Snake River. He has two permits, and wants to sell a portion of his business on this section of the rivers. The board advised him that if he wanted to continue to use this section of the river after he sold part of his business, he had to have two licenses.

Minutes of the March 9th meeting was read.

Lon Jarvis arrived at 10:00 a.m.

The board reviewed Larry Walker's application and James Baughman made a motion to reconsider an extension of bear hunting in Units 33 & 39 for further input. The motion was seconded and passed unanimously.

Don Waller's outfitter application was reviewed and a motion was made by Ivol Sies that this application continue to be investigated by the board. This was seconded and passed. It was also agreed to have one of our investigation officers check on this applicant.

The Grand Canyon Dorries court decision was read by the members of the board. A copy of the Conclusion of Law is attached to the end of these minutes and becomes a part of them.

A letter from Guy Hurlbutt was read with his reply about failure of applicants to have forest service and/or bureau of land management signatures on the application, if this was a reason to deny an application. His answer was "yes", if they use federal lands, and suggested we change our applications to ask an outfitter if he uses federal lands and if he does then he must have a land managers signature.

A letter from Guy Hurlbutt was read stating when the amended Outfitters and Guides Act would go into effect.

Copies of letters from the fish and game department and Mr. Helms of California about a cougar hunt was read. A reply will be written to inquire about the guide, where he contacted him, and the location of the hunt.

A letter from Forrest Garrigus inquiring about an application was read, and an answer is to be written informing him he cannot use last years application and fee, and request a copy of the court decision he mentioned in his letter.

A copy of our appropriation bill was reviewed.

A letter from fish and game on Bittons additional area request was read. A motion was made by James Baughman "To deny additional area requested because of information received from fish and game." <sup>as per service!</sup> This was seconded and passed.

The board recessed for lunch and reconvened at 1:00 p.m. with the same members present.

The secretary was instructed to obtain a copy of the 1971 boat safety law.

Dalbert Allman, a new outfitter applicant for bear and cougar, meet with the board. The board will check with fish and game on Units 40, 41, and 42. He said only three hunters at the most would be taken at one time and he would use snowmobiles with sleds for the dogs. Mr. Allman stated that he would charge \$50.00 a day expenses or \$1,000 if a trophy animal was killed. An outfitter application test will be sent.

Robert Liming meet with the board to discuss his outfitter application. He said Norm Riddle would take his clients to Johnson Creek and then they would backpack to Pittsburg Landing and then they would be picked up. He would be on 360 acres of private land and would take "survival" out of his business name. Mr. Liming would have 12 students at one time and there will be two ex-airforce survival trainers and himself as guides. Each guest will be required to have a physical within 14 days before coming and the height and weight must conform to standards. An outfitter test will be sent.

A discussion was held on some items to be discussed at the Association meeting. Lon Jarvis will read HB 504 at the meeting which was just passed and is in effect.

Replies to letters and inquired in last months meeting were read.

Harold Spelts application was reviewed and will be held for fish and game and forest service input.

Guy Best, new managing agent applicant for ARTA, meet with the board. An outfitter test is to be sent.

The board discussed Harold Hanson's area.

The meeting recessed at 4:30 p.m.

Tuesday, March 28, the meeting reconvened at 8:30 with all members present.

Dick Perkins of Mackay Bar meet with the board to discuss power boating on Salmon River from Spring Bar to Corn Creek, and stated he did not believe 50 hours was enough for training on this section of the river. He also discussed his float boating and was informed that his guides must complete the trips on the entire section of river to qualify for lead boatman status.

Steve Jordan meet with the board to discuss the complaint from Dr. Coffman of Iowa, about shooting from a boat into their camp in Oregon. Mr. Jordan said he was not there and would write to the Dr. He also

discussed what control he had over a guide who was a managing agent for another company. The board advised him that it was a legal question that he would have to have his attorney's opinion.

Bror Borjesson meet with the board as a new applicant for an outfitter license. He needs to complete his application and contact Leo Crane about cougar and bear hunting in his area and to have a letter written to us if Mr. Crane approves. An outfitter test will be sent.

Ken Smith meet with the board to discuss two complaints he had received from Dr. Frank Z. Reade of Fullerton, California, and Steve Taylor of Anchorage, Alaska. Mr. Smith said he forgot to give Dr. Reade his tags when he went in hunting, and that he didn't think it was his responsibility to return their belongs. He didn't ship the Dr's sleeping bag to him for three months. He said the Dr. left early because he had business and that the Alaska man left early too.

The board recessed for lunch at 12:00 and reconvened at 1:15 with all members present.

The board reviewed an extention area request from Sawtooth Mountaineering and approved it.

Dave Stucker meet with the board to discuss being managing agent for Big Creek Recreation, Inc., as well as being licensed for his own area. He stated that altogether he would have between 35 to 40 hunters for the season.

Ansel Roberts meet with the board and was advised the board will ask for input for the fish and game department on the area requested before a decision will be made on his application. He will be sent an outfitter test.

Dale Ney meet with the board to discuss selling most of his boating business, but wants to retain his hunting area and boating on the Main Salmon from North Fork to the Middle Fork. No decisions will be made until the board meets with the new applicant.

Rusty Munn meet with the board to apply for Harold Hanson's hunting area. He is a soil scientist. He said he would not take more than 14 to 15 hunters a year. He will also apply for power boating, but Harold Hanson will be running the power boat until Mr. Munn is trained. An outfitter test is to be sent.

Ray Snyder and Cliff Gallagher meet with the board to ask approval to transfer Mr. Snyder's area to Gallagher. The board approved.

The board recessed at 5:00 p.m.

Wednesday, March 29, the meeting reconvened at 8:35 a.m. with all members present.

Dick Merrill's complaints were discussed, and Ivol Sies made a motion to place Mr. Merrill on probation for one year. This was seconded and passed unanimously. A letter is to be written to this effect.

Applications were reviewed and approved, denied or amended as needed. A list is attached to the back of the minutes and becomes a part of them.

The meeting recessed for lunch and reconvened at 1:00 with James Baughman, Bill Guth and Ivol Sies present.

The board continued to review applications.

Ivol Sies made the following motion: "No late fee will be charged until April 30, for the extra fee not paid by March 31." this was seconded and passed.

Rex Lanham returned to the meeting at 4 o'clock.

The next board meeting, in Boise, will be on April 19-21, but a meeting in Sun Valley will be on April 11.

The meeting recessed at 5:30.

Thursday, March 30, the meeting reconvened at 8:30 p.m. with James Baughman, Lon Jarvis and Ivol Sies present.

Applications were reviewed and it was the boards decision that all applications would be checked to see that the area for upland game birds would state that they would be allowed to  $\frac{1}{4}$  mile from the shore.

The meeting recessed for lunch, and at 1:00 p.m James Baughman and Ivol Sies returned. As a quarum was not present no decisions could be made, and they worked on applications.

A list of licenses who were approved, denied, or amended is attached and becomes a part of these minutes.

The board recessed at 5:00 p.m.

Alaine Babbitt, Sec.

James F. Baughman

GRAND CANYON DORIES, INC.

1 and guides.

2 VI.

3 The defendant has produced no facts indicating that the  
4 cost of administering its duties under the Idaho outfitters  
5 and Guides Board Act is more excessive for nonresident as  
6 opposed to resident outfitters and guides.

7 CONCLUSIONS OF LAW

8 I.

9 The regulation of the plaintiff by the defendant is a  
10 reasonable exercise of police power.

11 II.

12 Regulation of the plaintiff has not been pre-empted by  
13 the federal government as against regulation by the State of  
14 Idaho.

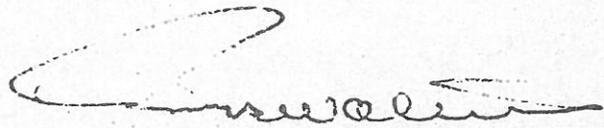
15 III.

16 The plaintiff is exempt from the Interstate Commerce  
17 Act.

18 IV.

19 The defendant has discriminated against the plaintiff by  
20 requiring excessive nonresident license fees not reasonably  
21 related to the regulation of outfitters and guides operating  
22 within the State of Idaho.

23 Dated this 14<sup>th</sup> day of March, 1978.

24  
25  
26 

27 JESSE R. WALTERS  
28 District Judge  
29

OUTFITTERS AND GUIDES BOARD

Licenses acted upon between March 1 and April 18, 1978

OUTFITTERS

Agee, Wynn dba St. Joe Outfitters  
Alfs, Richard  
American River Touring Assn.  
Anderson, Dare R.  
Anderson, Douglas M.  
Andreessen, Terry

Barker, John A. K.  
Barton, Byrd  
Beam, Eldon F.  
Bentley, Gerald D.  
Bentz, Ross  
Best, Guy Edward  
Blackadar, Robert L.  
Booker, John L.  
Breckenridge, L. L. Co.  
Buehler, Robert J., Jr.

Capps, Martin R.  
Cole, Robert L.  
Crick, Bobby R.  
Cummings, Clifford O., Sr.

Danskin, James R.  
Dark, John A.  
Davis, Del  
Demorest, Thomas A.  
Diamond D Ranch, Inc.  
Double K Outfitters, Inc.  
Dunford, J. Hulme  
Dye, Lyman Cox dba EE-DA-HOW Mtneer. Guide Serv.

Echo: The Wilderness Co.  
England, Wayne  
Epley, Ted

Farr, Scott  
Filer, Paul O.  
Flying Resort Ranches, Inc.  
Foster, Jay D.

Gardiner, Timothy Mather  
Gillett, Ron  
Gillihan, Robert  
Guth Enterprises, Inc.  
Guth, Norman H.  
Guth, William R.

Haderlie, Vaughn  
Hagaman, Carlyn W.  
Hansen, Tom L.  
Hatch, John S.  
Helfrich, Dave  
Helfrich, Richard  
Henderson, Bruce A.  
Henry's Fork Anglers, Inc.  
Hughes River Exped., Inc.  
Hughes, Jerry  
Hussey, Rick

Idaho Adventures, Inc.  
Idaho River Co.  
Idaho Vacations, Inc.  
Idaho Wilderness Camps, Inc.

Jarrett, Larry  
Jarvis, Lon S.  
Johnson, Phillip A.  
Johnson, Vernon P.  
Jones, John Robert  
Jones, Selden M.

Kimball, Enos J.  
Kuykendall, Herman C.

Lanham, Rex E.  
Lawson, Michael J.  
Leonard, Joe  
Lewies, Harry J.  
Lilly, Walen F.  
Linford, Richard  
Lingnaw, Richard H.  
Lyda, Perk

Mackay Bar Corp.  
Malone, Ronald L.  
Masoner, Elwood  
Masoner, Kenneth C.  
Matteson, G. M.  
Medlock, Ora Lee  
Merrill, Dick dba Hell's Canyon Tours  
Merritt, Garry D.  
Middle Fork Lodge, Inc.  
Miller, Henry V.  
Mills, David F.  
Moats, Larry

OUTFITTERS

Norrick, Mel  
Norris, Richard L.

Wilson, Joseph P.  
Wolfenbarger, Kenneth

Oswold, Ralph

York, W. Travis

Pepcorn, James  
Perkins, Richard C.  
Piquet, Laren M.  
Potts, Stanley  
Powell, Jim  
Powis, Roy E.

Zanelli, James W.

GUIDES

Adams, Joseph H.  
Allred, James Jeff

Renshaw, Jim  
Revell, Phil K.  
Reynolds, Weldon  
Rocky Mountain River Tours  
Rottoff, Dan

Bateman, Nick J.  
Bever, Brad M.  
Booker, David L.  
Burrill, Kenneth G.  
Busby, Al

Schaefers, Steven D.  
Seal, Ray  
Sevy Guide Service, Inc.  
Sevy, Jay L.  
Sevy, Robert J.  
Sherer, Ronald L.  
Smith, Clinton Bob  
Smith, James B.  
Smith, Monty K.  
Spaulding, William Everett  
Stelling, David W.  
Streamside Adventures, Inc.

Cover, Andrew  
Cox, David L.  
Cramer, Mark

Taul, James Allen  
Teton Expeditions, Inc.  
Torrey, Ray  
Trout Shop, Inc.

Dixon, Drake Diller  
Drake, Charles H.  
Dunford, Heber J.

Vaughn, Harry W.  
Vaughn, Ronald K.

Edelberg, Rudy  
Edson, Gregory P.

Wally York & Son, Inc.  
Webb, Thomas O.  
Weddle, Floyde H.  
Wemple, Jack F.  
Wild Rivers West  
Willis, Loyal A.

Finley, Carole Jean  
Fitch, Kevin Britt  
Foreman, Lynnette  
Frazee, Kirk

Hanna, William R.  
Hansen, Cal E.

Kuykendall, Gene E.  
Kuykendall, LeRoy Micheal

Link, Ed  
Livingston, Shawn

GUIDES

McFarland, Mitchell Peter  
McKain, John M.  
McKain, Mark Kelly

Miller, Joel A.  
Miller, Sharon L.  
Monroe, Michael Leslie  
Moorhead, John B.  
Moser, Gary

Ownbey, Tony Scott

Pole, Gregory A.

Sims, Sharyn Uecker  
Smith, Richard R.

Thompson, Roger A.  
Tudor, Edward T.

Underwood, Aaron M.

Waite, Richard H.  
Webster, Gary D.  
Wescott, Susan Elizabeth  
Wilson, Meita  
Woodby, Willard

LICENSES EXTENDED

OUTFITTERS

Lyman Cox Dye - Qualified to  
guide

Kenneth Wolfinbarger - Fishing

Licenses acted upon between March 1 and April 18, 1978

DENIALS

OUTFITTERS

- Barker, John A. K. - Power boating on Salmon River from Vinegar Cr. to Snake & Clearwater River as maximum number of outfitters licensed on these rivers.  
Guiding on Snake River from Salmon River to Lewiston as we do not have a log of experience.
- Booker, John L. - area extension for big game hunting as area is licensed to another outfitter.
- Gillett, Ron - float boating on Bruneau River as the maximum number of outfitters are already licensed.
- Hansen, Tom L. - Cougar hunting in his bear hunting area as recommended by F & G Dept.
- Henderson, Bruce A. - float boating on Main Salmon from first bridge across Salmon R. above Red Fish Lake Cr. to Slate Cr. & mouth of the M. Fk. to Spring Bar as the maximum number of outfitters are licensed.
- Henry's Fork Anglers, Inc. & Michael Lawson, M.A. - float boating on Falls River & Sand Creek Wildlife Management Ponds as they are not open for commercial operations.
- Hughes River Exped., Inc. & Jerry Hughes, M.A. - float boating on Owyhee, Jarbidge, & Bruneau Rivers as the maximum number of outfitters are licensed.
- Jones, John Robert - Float boating on the St. Joe River as the maximum number of outfitters are licensed.
- Jones, Selden M. - Wade fishing on Henry's Fork of the Snake River.
- Oswold, Ralph - Area extension for cougar hunting as area is licensed to other outfitters.
- Schaefer, Steven D. - guiding on Main Salmon from mouth of M. Fk. to Spring Bar - no log of experience.
- Torrey, Ray - Area extension for bear and cougar hunting as the area is licensed to other outfitters.
- Webb, Thomas O. - float boating and fishing on Henry's Fork of the Snake River as the maximum number of outfitters are already licensed.

GUIDES

- Allred, James Jeff - Hunting as employing outfitter is not licensed for this activity.  
Lead Boatman on Selway and boating on Bruneau and Owyhee Rivers as we do not have the proper logs to qualify him for these rivers.
- Cover, Andrew - Boatman on Main Salmon from mouth of M. Fk. to Spring Bar as we do not have a log of his experience.
- Waite, Richard H. - Lead Boatman on Seway R., as we do not have a log of his experience.

PROBATIONARY LICENSES

OUTFITTER

- Merrill, Dick dba Hell's Canyon Tours