

OUTFITTERS AND GUIDES BOARD

June 12 & 13, 1978

Boise, Idaho

The Outfitters and Guides Board met June 12, 1978, at 9:30 a.m. in the meeting room of the Fish and Game Department for a formal hearing on the rules and regulations. Members present were James Baughman, vice-chairman; Lon Jarvis, Bill Guth, and Ivol Sies. Guy Hurlbutt, attorney from the Attorney General's office was also present. James Baughman was the hearing officer. The proposed rules and regulations were read and discussed by the outfitters and guides in attendance. The hearing concluded at 11:50 a.m.

At 1:30 p. m. the board meeting reconvened with the same members present, at the Outfitters and Guides Board office.

A letter from Dave Giles requesting an exception to rule No. 26 for trips to be taken for Tom Drinville's school was read and discussed.

The board worked on the changes in the rules and regulations.

Richard Lingnaw met with the board to discuss Richard Kern's guide application and training record. Bill Guth made a motion to accept the training record. Seconded by Lon Jarvis, and passed unanimously.

Ron Gillette met with the board and asked to have Vernon Johnson's river business from First bridge above Red Fish Lake to Slate Creek put on his license as he bought the business from Mr. Johnson. The board informed him that we would have to have a letter from Mr. Johnson before this could be done.

Guy Hurlbutt arrived and discussed the Stanton Miller case with the board. A discussion on the questionnaire to be sent to Stanton Miller's clients was held. The board agreed to Mr. Herndon's request in behalf of Mr. Miller, that he could have until August 15, 1978 to pay the money to the board that he owed in the formal hearing. If this is not paid on or before that date his license will be revoked. Mr. Hurlbutt will write a letter to Mr. Herndon to this effect.

The board continued reviewing the proposed changes in the rules and regulations.

The board recessed at 5:00 p.m.

On June 13, the board reconvened at 8:30 a.m. with Rex Lanham, chairman, James Baughman, Lon Jarvis, Bill Guth and Ivol Sies present.

The board continued working on the proposed changes in the rules and regulations.

Phil Swanstrom, investigator, met with the board and reported on his trip to eastern Idaho. Phil will go back when the season opens on Henry's Fork.

Dale Baird of the Fish and Game Department met with the board to discuss a fish and game case against Terry Andreessen and Daryl Knauff of Salmon, Idaho. Andreessen is an outfitter and Knauff a guide.

Dave Giles and Tom Drinville telephoned and talked to the board members about their letter requesting special permission for trips on the Salmon River for one man boats, plus two 5-6 man boats. The board told them they would have to have guides in the 5-6 man boats and requested a letter explaining how the trips would be run, from Dave Giles. In the telephone conversation Mr. Giles stated that on July 2 there would be 20 people. Mr. Giles would furnish two boats for luggage, and there would be six small 2-man Tahitia model boats and two 5-6-man boats. On July 26 there would be 30 people, with Mr. Giles furnishing three boats and there would be the same number of other boats. On August 3, there will be 20 people, Mr. Giles will furnish two boats and there will be the same number of other boats.

Chuck Webb met with the board to discuss his new outfitter application for backpacking. The board approved it for the Pioneers, but denied the other area.

The following letters were read and discussed:

1. Letter from Attorney General office about starting procedures against Grand Canyon Dories guides.
2. Letter from Attorney General's office on who has access to the minutes and copies of the Idaho Open Meeting Law were enclosed.
3. Letter from Attorney General's office in reply to our letter of May 2, about notarization of applications and etc.
4. Letter from Earl Dodds on what outfitters where licensed in the Monumental Creek area, and the board reply.
5. Letter from Travis York about having the last complaint removed from his file.

The board recessed for lunch and reconvened at 1:15 with James Baughman, Lon Jarvis, Bill Guth and Ivol Sies present.

The secretary continued reading the following letters:

1. Tim Gardner about his area, and the board's reply
2. Ann Noyes about her license
3. Chris Musgrove about a refund on his license
4. Art Seamons about Stanton Miller's area
5. W. Anthony Park, releasing Idaho Vacations license to James Perkins.
6. Department Labor & Industrial Services on their inspection
7. Dean McGuire requesting his guide license application be returned
8. Greg H. Bower of Ada County Prosecuting office about Dean McGuire's application.
9. Salary increases in 1979 from Office of Governor
10. Visitors use report from David Lee of Sawtooth NRA
11. North Central Forest Experimental Station list of bulletins
12. Letter to Ted Anderson asking for assistance in obtaining F.S. signatures on trainee cards.
13. Larry Moats inquiring about the denial of power boating on his license.
14. Richard T. Hauff inquiring about the boards policy in licensing more outfitters on the Main Salmon from North Fork to Corn Creek.
15. Elmer Earl and R. S. Rivers about the increase in guide license fees.
16. Fish and Game Department reply to our inquiry on Douthit's area request.

The board reviewed letters of request for guide license fee refunds; annual statement of property values; bill from Idaho business machines company; case report on Delbert E. Couch.

Incomplete business reviewed was a letter from Buford Withers; letter from the board to Attorney General's office requesting a formal opinion on Ricks College tours; affidavit from Ned Mitchell on his lost check.

The following was brought to the board's attention; newspaper clippings; telephone calls from Diane Curtis of Pine Ranger District on some outfitters on the Snake River and Steve Cutright on ARTA's problems.

Applicants for the Sr. Clerk position were interviewed.

Lon Jarvis made a motion to adopt the changes in the rules and regulations as revised at this meeting. Seconded by Ivol Sies and passed unanimously.

The next board meeting will be July 10 & 11.

A list of outfitters and guides who's licenses were approved, extended or denied from May 15 to June 11 is attached and becomes part of these minutes.

The meeting adjourned at 5:15 p.m.

Alvin Bobbitt, Sec

James F. Banghman

SUMMARY OF THE PUBLIC HEARING

FOR

PROPOSED CHANGES IN THE RULES AND REGULATIONS

June 12, 1978

The hearing on the proposed changes in the Outfitters and Guides Board rules and regulations began at 9:30 a. m. at the Fish and Game Department building with Guy Hurlbutt, Chief Deputy Attorney General for the Attorney General's office opening the meeting with the following: "This is the time set for the public hearing held by the Outfitters and Guides Board of the state of Idaho for the consideration of oral and documentary evidence pertaining to the repeal, amendment, or adoption of the rules and regulations of the Idaho Outfitters and Guides Board. This hearing is held pursuant to Chapter 52, Title 52, Idaho Code, Administrative Procedure Act, and Rule 14 of the Outfitters and Guides Board Rules of Practice and Procedure. Rules and Regulations are authorized by Section 36-2107 (b), Idaho Code. Appropriate notice of this public hearing has been published between May 20 and 25, 1978 as required by Idaho Code 67-5203 (a) (1). Oral testimony may be given and the time limit shall be set by the hearing officer. James Baughman will act as the hearing officer."

James Baughman asked that everyone present to be sure to sign the roster at the back of the room for the record of the hearing.

As there were no proposed changes in rules 1 thru 4, rule No. 5 was read - no comments
Rule No. 8 (1) (a,b,c,d,e,f,g,h) were read - no comments
Rule No. 8 (2) (a,b,d,d) read - no comments
Rule No. 8 (3) (a & b) read - no comments
Rule No. 16 (a) read - no comments
Rule No. 16 (b) read - Elwood Masoner suggested that the first aid kit should have the minimum items required, as for the boaters first aid kits, listed in the rule.

Elwood Masoner stated he did not believe a guide should have to send in an application until after he had taken a trip or two, as the outfitter could not be positive the trainee would make a good guide or not. He, also, stated that it was very difficult at times to get a Red Cross course when they wanted to train an applicant, and they did not want to pay the fee and then not have a guide complete his training to get a license. Ron Gillett stated the same thing and asked if the fee and Red Cross card could be sent to the office after the guide was trained.

Mr. Baughman advised them the training card was a 15-day temporary license and could be used for such, Mr. Baughman, also, stated that the Red Cross card and fee might not be received, and the person could leave his job and never get a license. He told them if they wanted to go back to the former procedure for licensing they could dispense with the training cards.

Elwood Masoner stated that the outfitters wanted the training cards, that they were an excellent part of the program.

Elwood Masoner and Dick Lingnaw both commented that they thought the outfitter should have the training cards in their possession so the card could be made out whenever a person wanted to start training as a river guide. Some people decided when they were on the river that they would like to be a guide and then they could count that trip. Lon Jarvis told them that would just be part trip and could not count.

Mr. Baughman then stated that this section of rules and regulations would come up soon.

Rule No. 22 (b) was read. Bill Guth stated that several outfitters had asked him to bring before the hearing the suggestion that the Salmon River be broken at Mackay Bar or that the guide training section of river should be from Corn Creek to Mackay Bar for the classified section of river.

26 (b) read - no comment

26 (d) read - Elwood Masoner stated again that if a completed application was needed before a training card was issued that it would be a hardship on the guides and outfitter both. Dick Lingnaw and Ron Gillett both stated that they thought the Red Cross course was hard to find and if they couldn't find anyone to give it that it was unfair not to be able to take a guide on a training trip.

26 (e) read - Dick Lingnaw asked if a trainee did not plan to get a license as a boatman the same year as he trained could he take more trips but not be allowed the 15-day temporary license until the fee and Red Cross cards were received.

27 (a,b,c) read - Hank Miller stated he thought at least one complete trip should be made on each complete section of river, especially for the power boats from Lewiston to Hells Canyon. He said most float boats did not go beyond the Grande Ronde. Mr. Miller also stated he thought the lower portion of the Salmon River from White Bird to the Snake River should be changed to "classified" as this section of the river has quite a lot of whitewater.

Elwood Masoner and Dick Lingnaw asked to have the training section of river on the Middle Fork of the Salmon River from Dagger Falls to Indian Creek extended to Marsh Creek. They stated that in the spring they could not get into Dagger Falls, and had to go to Marsh Creek to put in for float boat training on that section of the river. They asked what our investigators would do if they were checked on that section where they were not licensed. A general discussion was had about fishing on this section and the problems it might cause with the public. Masoner and Lingnaw both stated that all that it needed to be open was in the early spring before the road was open to Dagger Falls.

28 read - Dick Lingnaw stated that sometimes they did not know because of weather conditions or water heights if they had to cancel a trip until the day of the trip. Elwood Masoner stated that sometimes they did not know when a trainee could get off work and they would set up a training trip at the last minute, or the other way around that some of the trainees could not get away from their permanent work at the last minute when a trip was planned.

Several outfitters are combining their training trips to save money and time.

It was also noted that most trips took at least two days and if a trip was cancelled the investigator could be notified before the trip was to have ended.

No. 29 read - no comments

No. 30 read - Hank Miller said he thought that on some rivers that perhaps one trip would be enough on the unclassified sections of the river, but for himself he would give his trainees more training.

Elwood Masoner, Ron Gillett and Hank Miller asked that if a boatman was licensed on any one or more classified rivers in Idaho could they be licensed on the Middle Fork (or any other classified river) with just one trip, like out of state trip requirements of 500 miles.

No. 31 read - no comments

No. 37 read - there was a question if the board had checked with the skiers on these changes.

No. 38 read - no comments

No. 39 read - no comments

No. 40 read - no comments

No. 41 read - no comments

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No. 42 read - a short discussion on the suggestion that perhaps there should be a group of mountaineering guides and outfitters who should make some suggestions for the general rules for this activity.

No. 43 read - no comments

Mr. Baughman went back to rule No. 25 and stated that there would be a change in this rule to have the outfitters comply with the identification on commercial boats as in Eastern Idaho the law enforcement people were having a problem identifying commercial boats. Everyone present at the meeting agreed that it was very good advertising and identification.

A discussion on rule No. 29 about the third trip being a solo trip on classified rivers. Elwood Masoner, Hank Miller and Dick Lingnaw asked if there could be two trainees or someone else in the boat. Masoner stated that one person could very easily drown. He was told there could be another person if that other person was licensed. Lingnaw asked how about a guides wife, was told OK if licensed. They stated they needed someone to handle a rope as it was more difficult to run an oar boat than one with sweeps. They stated that it was very difficult to get boats ashore and to tie up. Mr. Masoner asked about training trips where there were no paying guests, he asked if this wouldn't relieve the board of any liability. Mr. Baughman and Bill Guth both stated that the extra paying guest with the trainee would be a guest until Mike came along and then he would just be along. Elwood Masoner stated again that he needed a rope man as it is almost impossible to get up from rowing and get the rope to shore. He still insisted that there could be two trainees in a boat.

The meeting was adjourned at 11:50 A.M.

Alaise S. Abbott, Sec.

James F. Baughman