

OUTFITTERS AND GUIDES BOARD

Boise, Idaho

December 4 - 8, 1978

The Outfitters and Guides Board convened for their regular meeting at 9:00 a.m., Monday, December 4, 1978. Vice-Chairman Jim Baughman presided, with Bill Guth and Ivol Sies in attendance.

Completed applications were reviewed and approved. Then letter and verbal requests for area consideration and extension were reviewed for Dave Williams, Terry & Ranae Jackson, Kent E. (John) Cantlin and Kenneth Doll. As there were no applications and fees paid, no action was taken except determination to send applicants forms and/or letters.

The minutes of November 6 and 7 meeting were read and approved, by motion of Bill Guth and second of Ivol Sies. The November 20 special meeting minutes were then read, and it was determined that a statement was missing: that Quentin Selby did state to the Board that in his telephone conversation with Dave Cowan, that he told Cowan that he would refund the deposits of the three clients.

Lon Jarvis joined the meeting during reading of the minutes, and there followed a discussion again, and all board members agreed, that outfitters and/or managing agents, although they hold current licenses, do need to apply for and be issued new licenses when they change their businesses by incorporating, as they then have a new entity; as this has been advised by Attorney Guy Hurlbutt.

At 11:00 a.m., Miss Lynne Loening, Eugene, OR., Bill Scherer and Frank Giles, Boise, and Joe Kinsella and Guy Pense, of Yankee Fork Ranger District, all met with the Board regarding reuse of the old Mike Loening area and a new area proposed for trailrides and fishing.

A letter received November 4 from District Kinsella was read and the maps were checked, as Bill Scherer showed the proposed 3-day trail route into the Foster Ranch, with a base at Cape Horn. As this would involve already licensed outfitters: Demorest, of Diamond D, Bitton, Johnson, Hatch and Madsen, Scherer was asked if he had talked with any of these outfitters. He said he had talked with Demorest and Bitton, and Bitton was concerned, but it would involve little of his area. Mr. Baughman inquired about staying on the trail and Scherer said they planned to overnight at Horseshoe or Knapp Lakes and at Diamond D.

Joe Kinsella said there would be need for horse graze and overnight permits, and there could be conflict with trail bikes. Then he asked Bill Scherer about the requested use of Cape Horn airstrip. Scherer said maybe a false impression, as does not plan use of the airstrip, but if it was opened, they probably would make some use of it. The hunting was determined to not be applicable, as no area available.

Then Mr. Kinsella mentioned that the Sleeping Deer area was in the Challis District, and that District Ranger Val Gibbs feels reluctant to issue another permit, as the area is accessible to the public because it is roaded all the way to the lookout. Also that Madsen, Hatch & McAfee are now holding summer activity licenses and no need for another outfitter. He also pointed out that Mike Loening had never applied for or was issued use permits. Mr. Scherer said Mike was one of the original outfitters and had established permanent spike camps ahead of permits being required. Mr. Kinsella told Lynne that documented use by her father would help establish prior rights for permits and pointed out that increased use could result in limits being set for permits on all using the area. Ivol Sies mentioned that licensing would have to be determined on conditions at present, not what might come about.

Mr. Kinsella then asked if the Board considers the Mike Loening area as a bonafide existing area. Jim Baughman says yes, as the family had requested a moritorium at the time of Mike's death, which the Board was honoring. Mr. Kinsella said the Forest Service was not aware of this and that they were trying to be uniformly fair of all the outfitters using the area. He then asked Guy Pense if he had anything to add, and Mr. Pense said he felt, as Joe did, that licensing another outfitter would impose restrictions on all using the area, and that probably existing outfitters should sign approval of the joint use.

Mr. Kinsella asked that a copy of these minutes be sent to him and Ranger Gibbs before he and Mr. Pense left the meeting.

by the Loening group was also explained. McAfee said he would be happy to work with them and that he had been told that this was not exclusive in the area by the Board when he was licensed. Mr. McAfee left the meeting as James Smith had called to say he could not get in until later today.

Mike White, 2737 McKinney, Boise met with the Board regarding whether helicopter skiing would come under the purview of the law concerning cross-country skiing. He explained his operation would be in Trinity Mountain and Sunset Mountain area out of Idaho City. It involved a drop off at the top with 5 runs (approximately 15 minutes each) down approximately 2,000 feet to the bottom with himself as guide, and all down hill. He has no cross-country ski equipment he said. Lon asked who had forwarded him to the Board, he said Bob Anthistle of the Forest Service, and that they see it as an outfitter permit. Mr. Baughman asked about insurance, and Mr. White said that may be the biggest problem, as it was real steep and may have to abort the plan. Mr. B. Also suggested that the Legislature has instructed this Board to keep hands off downhill alpine skiing. Ivol suggested we talk with our attorney if it is advertised as a guided tour. After the interview, the board discussed this further and determined that more investigation was needed on this matter.

Tim Craig, Lewiston met with the Board about taking over Herman Kuykendall's outfitting business. He was a guide for Kuykendall this year, and he would have same activities and operation: 40 day season, 32 elk hunters. Lon suggested that same area booked time after time beats out area and warned of the problem of overbooking. The Board members further pointed out that bookings already made would have to be advised who would be hunting them. Mr. Craig said Herman would assist him the first year and probably Herman's school would be dropped. Bear hunting area was also discussed--too many bear and they are booking at low price. Advertising with Herman Kuykendall at present but wants license for balance of 1978-79 to advertise on his own, Mr. Craig explained.

Following the LUNCH BREAK, the same Board members and enforcement officers reconvened and Roger Thompson, Rupert met with the Board regarding boundary overlap (Cow Basin), of Heatherington (when first licensed) and Flying Resort Ranches. Maps and files were checked and it was determined that an adjustment had been made in 1968-69 and Mr. Thompson requests that this adjustment be made again on the licenses of Heatherington and Flying B. Also the boundary between Stoddard (old George May area) and Root Ranch was disputed and the maps were checked further. The Board requested a complaint letter regarding these boundaries be presented and the Board would try to settle the dispute.

James B. Smith, Challis then met with the Board regarding Dick McAfee's trespass complaint. He admitted he had pulled into McAfee's area with his horses from his "own" area (Cache Creek), when a sudden snow storm forced him out. When asked about the Cache Creek area being hunted, he said it was his area because of a former lease with Overland and he has considered it his area since and told the Board in 1974 and 1975 that it was his area. No change of area was licensed. Jim Smith then said he had an agreement with Strickler, but Mr. Baughman said the Board has a letter on file saying Strickler was through with James B. Smith. Smith then said that area was up for grabs and that McAfee doesn't want the area and that Hatch didn't claim it. He said further he would probably be leasing a big part of Heatherington's area. Lon pointed out that to use the area had to be trespassing. Ivol & Jim pointed out that outfitters cannot hunt out of area assigned on their license. Jim also pointed out that McAfee wants him out of his area and the Board wants it definitely understood. Jim Smith says "no problem with him, that he will go the other direction".

The Cache Creek area was brought up again. In a December 18, 1975 letter Smith had requested consideration for the area which part was then licensed to Hidden Valley Ranches, as he was then informed. But since part of the Cache Creek area was not included, Smith asked if he could continue to hunt that area until he gets word on who has the area--absolutely not was the word from Mr. Baughman. Smith says 4 years of use should amount to something. It would go against him if anything, said Jim Baughman, and should be Dr. Hatch, Madsen, Heatherington or McFees. Finally Jim Smith said "damn sure will hunt in own area", and also said sorry of the deal of the horses on McAfee.

The Board then discussed with Lynne what active part she planned in the business, as well as Bill Scherer's and Frank Giles'. It was determined that Bill Scherer planned to do the booking from Boise and Lynne would maintain her permanent residence at Corvallis, OR., and do some guiding; therefore, the Board gave application forms to Mr. Scherer to apply as managing agent. Frank Giles will apply as a guide as he will handle the guiding end of the business, they said.

Recess for lunch was at 1:00 p.m., and the same members reconvened at 2:00 p.m.

The bills paid were presented and approved by motion of Ivol and second by Bill.

Operation Outreach letters regarding whether outfitter licensing was required, were read. Ivol suggested the Board get an opinion from our attorney. Also the Association's notice to Jerry Spear that his check bounced, which results in his bond being invalid. Various phone calls were reviewed, including a number about Chuck Overland taking deposits on hunts and leaving the state; from F & G at Lewiston about George May outfitting in the Selway and unit 58; and Art Seamon's call regarding outfitters in his area this year. A letter from the state retirement system was also reviewed.

Attorney Guy Hurlbutt's contract and retainer fee for the Board's use of his services when he goes to private practice January 1st, was reviewed.

The meeting recessed at 5:10 p.m.

TUESDAY, DECEMBER 5, 1978

At 8:30 a.m., the meeting was called to order by Vice-Chairman Jim Baughman. Lon Jarvis, Bill Guth and Ivol Sies were the other board members present; also enforcement officers, Mike Wilkins, Cecil Sanford and Phil Swanstrum, and Attorney Guy Hurlbutt.

Attorney Hurlbutt explained the changes in reporting of wages and expenses and how travel time was to be reported to meet Idaho Personnel Commission's requirements for the enforcement officers. Mike asked about his deductions and if he could draw unemployment. Guy explained that he did not believe state retirement pension people were eligible and that this office was not paying into the fund that would cover their unemployment. Cecil pointed out that F & G only allows up to 25 hours overtime and their personnel is required to take compensatory time. Phil asked about vacation and sick leave. Guy said we should get back to Attorney Latta, IPC, to work out complications, but the vacation and sick leave is based on and above the 108-day appointment, broken in 6 mos. & 6 mos.

After Mr. Baughman explained how they should report their time in order to not go into overtime each day, a waiver was presented for each investigator to sign which would voluntarily sign over to the state any time which had been reported above which each investigator believed he had pay coming for the 1978 year. The Board and enforcement officers also reviewed a one-month summary of outfitters & guides checked, a form the office is devising and suggestions were made.

Attorney Hurlbutt then explained the contract for his services for the Board, and said he was also confident that the Attorney General's office would work with this office during the next four years. He further explained the last clause in his contract saying it was an "escape clause", which says that if the Board has not the funds nor the funds available from Special Litigation Funds, then the Board can turn back to the Attorney General's Office and it would be the Board's decision on who to retain prior to a case.

Guy also advised that he would proceed on Consumer Protection Law with regard to Donald Whitecotton and George May advertising as outfitters cases.

At 10:00 a.m., Dick McAfee, Challis met with the Board on his complaint of outfitter James Smith's trespass into his area. Smith used the area back in Strickler's time and he said he plans to continue is the problem. Fighting will not resolve the problem he feels and wants the Board to straighten it out. The licensing of summer activity

Tim Craig then came back to the meeting to ask about applying for the Lochsa River. He was told there might be a hearing to open it up and could submit a request for the priority list.

At 2:45 p.m., Bill Bernt, Galand Haas and Denny Partridge, Haas's partner, met the Board concerning the transfer of Bernt's license No. 2, Lower Main Salmon, Spring Bar to the Snake, and Snake River, from Salmon River to Lewiston. The Board saw no problem as the partners are presently licensed and operating in Oregon. Also Bill Bernt said he would help them get trained on the rivers.

Boating was discussed prior to the Association's Boat Steering Committee (Hank Miller, Eldon Handy, Elwood Masoner and Jerry Hughes) meeting with the Board. There was discussion on regulations, training sections and the training cards implemented this past year, and the Boating Committee said generally there was much more efficiency as there was more training than usual, and things had gone very smoothly. They also asked if fees were going to be increased as well as any changes in the rules and regulations. The problem being created by increased training requirements making them "specialized", the guides are demanding more money and possibility of organization of a union was talked about. Eldon asked about shortening the training of the Middle Fork's upper end, Dagger Falls, Cape Horn Cr. or Marsh Cr. to Indian Cr.--Bill pointed out the Board had to administer the law and if the Board did go along with a hardship case, they would still open themselves up for a lawsuit. Eldon said they appreciated the Board's problem but wants the outfitter considered also. Mr. Baughman said the Board had been working on the Marsh Cr. put-in for earlier training, but others than outfitters had to be considered. Hank then brought up for the Board's information that ARTA's guides are going to present their demands by June, 1979, and that they may have to train guides in a hurry. User permits and the launch dates not being used were discussed. Hank brought up that the Forest Service may go to a bid system and hoped the Board would be behind the outfitters. Elwood said that he had trouble getting training in on the Selway because of weather, and could guides be trained w/o training card in hand--no way, says Board, however the Board did understand the weather problems for the Selway training. Hank finally invited a member of the Board to attend their special boating meeting.

Cecil's report and some of his investigation was reviewed. The meeting with Forest Service, F & G and BLM people was discussed, as well as Guy Hurlbutt's answers to our questions from the last meeting, then the meeting recessed.

WEDNESDAY, DECEMBER 6, 1978

The Board meeting convened at the Holiday Inn's Maui Room in Boise, with the following Forest Service, Fish and Game, Bureau of Land Management personnel, and Board members present: Vice-Chairman Jim Baughman presiding, Lon Jarvis, Bill Guth, and Ivor Sies; also the Board's enforcement officers, Mike Wilkins, Cecil Sanford and Phil Swanstrum were in attendance; Forest Service--Alan Defler, Daniel V. Shrum and David O. Lee, SNRA, Ketchum, Mike Lunn for Tom Kovalicky, Slate Cr. R.D., Nez Perce N.F., Ron Wardberg, Challis N.F., Frank Elder, USFS, Ogden, Utah, Dick Hauff, Salmon N.F., Andy Finn, Payette N.F., Jim Moorhead, Salmon N.F., Jim Wiley, North Fork N.F., Frank McElwain, F.S., Ogden, Jim Lancaster, Cobalt N.F., Salmon, Cliff Blake, Middle Fork R.D., Challis, Jack E. Bills, F.S., Challis, Robert H. Martin, North Fork, Salmon R.D., Henry Ketchie, Challis N.F., Earl Dodds, Payette N.F., Ted L. Anderson, Challis N.F., Stephen M. Rushton, Targhee N.F., John Whitson, Targhee N.F., and Jack Griswold, Boise N.F.; and Fish & Game--Dale Baird, Boise, Brent Nyborg, F. & G., Salmon; Wally Meyer, BLM, Boise and LuVerne Grussing, BLM Cottonwood. and Eldon Handy represented Norman Guth, Idaho Outfitters and Guides Assn.

Frank Elder, Ogden pointed out, in opening, that some ski problems exist and various Forest Service people brought up the problems they were having in issuing permits. The helicopter skiing factor was discussed and Jim Baughman recited the interview with Mike White and how the legislature felt on alpine skiing, and asked how the Forest Service and others felt about it. F.S. says it is a grey area but believes if it is commercial and the guide is there for safety of guests and it is part of his duty, that outfitter

permits are required. They pointed out that skiing and helicoptering was double edged--insurance wise, which would have to be worked out.

Boise schools and City Parks & Recreation are being issued cross country skiing permits said F.S., and wondered where the Board stood on them as outfitters and/or guides. The Board said they were trying to sort out what schools were outfitting and what were exempt.

It was later decided on the skiing problem at a special meeting of the Board and Frank McElwain, Al Defler, Jack Griswold and others, that they would go ahead this year on issuance of permits, without Board's determination on licensing, as the F.S. has own restrictions. But their permits would be contingent on licensing for next year, with skiing areas denoted.

Wally Meyer, Boise District BLM spoke of issuance permits and setting permit standards and asked for comments. He handed out material from their Special Services Department. He then mentioned the permits being held and not used. The F.S. also talked on this and their considering pulling non-use permits, as well as speculative transfer of permits and licenses. Bill mentioned the 3-year use and growth plan. F.S. said it is in revision for 1979, and full management plan for 1980 for launch date use, based on past 3 years. F.S. answered Lon that they always caution newcomers on this launch use. Wally Meyer also brought up the S. Fork of the Owyhee put-in in Nevada and take out in Oregon--and what jurisdiction does Idaho have. Frank Elder says according to Martin Litton, the Board has no jurisdiction--interstate commerce.

Mr. Baughman mentioned the hearing slated for January, and would appreciate input, as several rivers were being considered for opening.

The arrest of unlicensed outfitters and what the court did by reducing their fines was talked about. The F.S. said they would be on the lookout when issuing permits this next year, and have had a talk with the magistrate.

The F.S. also brought up that outfitters licensed for summer use, but unused, could not have others licensed for same activity. The Board pointed out that this was not the case and that duplicate licenses are issued on all but big game hunting areas. Also that a 1973 questionnaire was used to determine what the outfitter planned but that duplicate licenses were issued only after investigation as to their need.

Rock hunting being licensed was mentioned. Ivol mentioned it was a growing commercial activity and needed controlled, but F.S. mentioned other activities such as movie companies do secure permits but not serving the public, so not licensable, and that more licenses issued now than permits.

Nonuse of permits on several rivers was brought up, several on the Selway and one on the Middle Fork, and what was their worth for transfer. Also mentioned was opening up of the North Fork to Corn Creek section on the Main Salmon, as it is being considered, says the F.S. They also brought up taking the limits off the rivers and issuance of a license if there was a permit available. No good says Board--too many would be put on, special interest groups etc.

Dale Baird spoke for F. & G.--said fewer complaints this year so far, also mentioned they appreciated the Board seeking their input for licensing of new applicants. Bill mentioned the Board would appreciate information on pending illegal cases involving outfitters--Dale Baird said sometimes communication problems, but would check out anything rumored. Bill further mentioned outfitter licenses could be sent out ahead of a case and would appreciate any early information available.

Training on the Selway and getting in early to train was discussed. As Art Seamon was not in attendance, the F.S. Suggested the Board contact him to see what could be worked out.

Targhee N.F. representatives brought up enforcement of snowmobilers--the Board suggested that information turned in would be helpfull.

The meeting recessed at 12:00 noon, and members attended the afternoon session of the Association's boaters meeting. The major subject was the increase of river use of float and power boating, the conflict and alternatives. The F.S. mentioned they were studying the problems in 1979 and will implement some controls in 1980.

THURSDAY, DECEMBER 7, 1978

Vice-Chairman Jim Baughman, Lon Jarvis, Bill Guth and Ivol Sies met early at the Holiday Inn, with outfitter E. D. Bennett. He informed them he was in the process of selling his business and the buyer will meet with the Board in January perhaps about an outfitter license.

Then representatives, Dee Holladay and Harold "Frog" Stewart of Holiday River Expeditions, Salt Lake City, Utah met with the Board on getting licensed on the Main Salmon, Corn Cr. to Spring Bar. They said they were dealing for the business with Bill Isley. The Board pointed out a release of the river business was needed from Bob Smith, as they have nothing on Bill Isley, and mentioned checking the F.S. permits for use. They will put \$5,000 into Excrow deposit for bond which the Board said would be satisfactory.

Then Lon mentioned Bill Hagadorn, State Department of Parks & Recreation wants a meeting with the Board and will bring in City Parks and Recreation representative, Siegel Branson.

Bill then mentioned the Association's impression that two bonds were needed for corporations and M.A.'s. This has been explained to their secretary.

Lon left the meeting as Rex joined the group at 10:00 a.m.

The Dale Ney permits with the Forest Service and non-use may result in having nothing to transfer was talked of.

Then Ron Malone and Scott Farr met with the Board about bear/cougar hunting as group--Malone, Farr, Smith and Madsen, in an area they have talked of last year. Ron mentioned Dave Burke has been in that area outfitting. The Board mentioned that written requests and map with exact area requested be pinpointed, along with the extension fees was needed.

Lon jointed the meeting again.

Then Scott Farr mentioned he and his guide had intercepted Stanton Miller with a hunting party and camp set up in Chamberlain Basin. He also submitted a copy of a letter written by a Pennsylvania hunter, William Granda, who had a hunt with Miller and was complaining that Farr was inconsiderate by not allowing his radio used and frightening the Miller camp's cook etc., and that he wants an apology from Scott Farr, also Dan Browning, manager of the Mackay Bar's Stonebreaker Ranch, as he also had a runin with this hunting party. Scott also said he got information they plan to hunt area again next year. Others in the group involved were Stan DeLong, Gene Robinson and Jim Herndon, all partners in Air Taxi Service, Salmon.

The meeting recessed at 11:00 a.m.

After lunch, the Board members attended various meetings--the Association's Hunting Group's meeting and some to the Skiers' Group meeting.

FRIDAY, DECEMBER 8, 1978

The Board reconvened at the Holiday Inn, with all members present, Rex Lanham, presiding. Also present were Ron Vaughn and his guide, Terry Rekow and Ken Smith and his guide, Jim Thomas, on a complaint of Ken Smith's hunting party being out of their area with an elk down in Vaughn's area.

The guides gave their report of the incident and it was determined that it was definitely trespass and resulted from the Smith camp being located so close in the overlap. Smith explained the reason for the camp location and disputed the area being Vaughn's. The Board explained where the boundaries are and the overlap area. Lon says it is a poor deal to find another outfitter in your area but suggests it stems from the horse graze.

Rex asked if Ron's client had gotten an elk. Ron said yes he had on the way back in but had said he would not of paid, had he not gotten one.

Ken suggested to Ron that maybe they could work it out between them.

The meeting recessed at 9:15 a.m., and the Board attended the Association's general meeting in which Stan Potts was nominated to represent the Association's choice for the Board at expiration of Bill Guth, in April.

The Board reconvened at 1:45 p.m., at the Board's office.

The Stanton Miller hunting incident was again brought up. Scott Farr gave more information, as well as a letter from Dan Browning, Manager at Stonebreaker Ranch was read. Scott Farr mentioned that possibility that Gene Robinson would be the way to go to pin something on Stan Miller.

Lon mentioned his talk with Stoddard on the Flying B's trespass incident. Cal said he caught them in on him twice.

Mike, Phil and Cecil's pay for vacation was discussed and Alaire's working time was decided to end as of the December 15th, for now.

A list of outfitters and guides extensions, licenses approved or denied, as well as those amended since the last meeting is included as part of these minutes.

The meeting adjourned at 4:00 p.m.

James L. Bangeman

Edythe D. Biele, Secretary

Sign In, please!

Outfitters & Guides Board

12/6/1978

Name - Address

F.S. - BLM - F&G Districts

Alma Deller	SURA Keekum, Ida.
Daniel V. Shrum	" " "
David O. Lee	" " "
Tom J. Janni	Mexidra
Mike Dunn (for Tom Kovalchik)	Slate Creek R.D. Nesperce NF ✓
Wally Meyer	Boise Dist. BLM 0
Dale Baird	Fish & Game, Boise ✓
Tom Wardlugh	Challis N.F. ✓
Katherine Gausling	BLM 0
Frank Elder	USFS - Ogden, Ut. ✓
Dick Hauff	F.S. SALMON N.F. ✓
Keel Siev	Outfitters & G Board
Jim Baughman	" " "
Andy Finn	F.S. Payette N.F. ✓
Jim MOORHEAD	F.S. SALMON ✓
Jim Wiley	" NO-Fork ✓
Phil Swanstrom	Boise
Frank McElwain	F.S. - Ogden ✓
Brent Nyborg	Fish & Game, Reg 6 Salmon
Jim Lancaster	USFS Cobalt R.D. Salmon ✓
Cliff Soble	USFS Middle Fl. R.D. Challis ✓
Jack E. Bills	U.S. Forest Service Challis Ida ✓
Mike Keck	F & G
Robert H. Martin	U.S. Forest Service Salmon FF ^{NORTH FORK} _{RD.} ✓
Henry Katschir	Challis N.F. ✓
Eldon Haddy	Rep - Idaho Outfitters
Earl Dool's	USFS Payette N.F. ✓
Ted L. Anderson	U.S.F.S. Challis ✓
STEPHEN M. ROUGHTON	U.S.F.S. TARGHEE ✓
JOHN WHITSON	U.S.F.S. TARGHEE ✓
JACK GIBBOND	USFS BOISE ✓

OUTFITTERS AND GUIDES BOARD

Licenses acted upon between November 7 and December 8, 1978

OUTFITTERS - Licensed

Bastian, Gary M.A.

Campbell, James P. M.A.

Giles, David D.

Grove, Kevin J.

Heatherington, Robert

Macks Inn Resort

Salmon River Lodge, Inc

Shepp Ranch, Inc./Wild Rivers-Idaho

Swift, Gary C.

Wilderness Encounters, Inc./Wilderness Ranches

GUIDES - Licensed

Fudge, Ronald A.

Horwitz, Ken

LICENSES EXTENDED OR DELETED

OUTFITTERS DELETED

Campbell, James P. - License no. 180 for 1978-79 year null and void.

Shepp Ranch - License no. 178 for 1978-79 year null and void

Wilderness Encounters, Inc - License no. 179 for 1978-79 year null and void.