

OUTFITTERS AND GUIDES BOARD

Boise, Idaho

November 17 & 18, 1980

Monday, November 17, 1980 a meeting of the Outfitters and Guides Board was called to order at 8:40 A.M., with Chairman Rex Lanham, Jim Baughman and Ivol Sies present.

Outfitter business was discussed concerning the area of Tom Hanson, Emmett and Homedale. The Forest Service feels he's not using his area commercially and only partially paid for a permit this past year. Also discussed was Cal Stoddard area North of Salmon River having a new outfitter without license by name of Stewart Elsner. (Mr. Elsner is also interested in the Hanson area.)

Enforcement business: Randy Ross and witness, Dave Sobolewski will return to Lewiston for the Wayne Beuke trial. The Board agreed to pay expenses; Cecil will be contacted on Weiber Forest Service case to cite for the state violation of outfitting without a license; Ada County Deputy Attorney, Terry Uhling requesting a meeting with the Board about Steve Jordan case; and outstanding warrants of Mikes and Deweys were Board's responsibility was pointed out by Ivol. Also Dave Giles' report of a citation of Marriner Jensen's unlicensed guide, Clyde Jensen in Bear Lake County. The Board determined not to cite Marriner or William Jensen as this would be the deterrent needed.

At 10:00 A.M., Bill Guth joined the board members just as an appointment was held with new business outfitters on the Middle Fork, who have obtained Al Beam's permit, Elizabeth Betsy Barrymore and Steve Lentz, the M.A., who will do business as Middle Fork River Company. Also meeting with the Board was Dave Stelling who obtained Al Beams' upper Main Salmon business. He mentioned he needed the second permit because of the volumn of day trip people out of Sun Valley - 1500 this year, but was having a little trouble with the Forest Service on this second permit. The Board requested a signed Supplement III by the river manager for this extension to his license.

At 11:00 A.M., Dean Seely dba Roundup Motel at West Yellowstone also met with the Board as a new snowmobile outfitter. He's a brother to Clyde Seely who has a large business in West Yellowstone, also operating snowmobiles. Dean will complete his application with a map and test to get licensed to advertise, and will send in his guiding qualifications later.

Then prior to lunch break, Mr. Baughman explained the Boards' attorney's advise on how Tom Webb's hearing before the board could be handled.

After the lunch recess, Jim, Ivol and Bill reconvened and discussed the horse hire pay for investigators; also they made the determination to invite them to the December meeting in Boise with mileage and subsistence paid - no wages.

Steve Guinn, Marsing was the next appointment, for a license of a proposed new operation on the Birds of Prey area of the Snake River. Mr. Guinn was in process of obtaining David Mills' business on this section which would work well with his home site which is one mile from Givens Hot Springs and has a boat dock. He owns the Whitewater Shop at 3109½ State Street, Boise.

State and Board business was worked on for the balance of the afternoon which included reading a letter of appreciation the Board has sent to Attorney General LeRoy with attachments of the Benjamin and Bishop Hearing decisions; also the Kovalicky Montana Enforcement Plan was reviewed and determination made to send copies to the Association.

The Board recessed at 5 P.M.

Tuesday, November 18, 1980 all four members of the Board reconvened at 8:45 A.M. and worked on outfitter business: McMasters relinquishment of area to Marilyn Mueller will have letter and applications mailed; Harry Vaughn's business to Donald Wilson of North Dakota with proposed M.A. Tim Craig - appointment notice for December; cancellation of Guth's deal to Michael Lee Anderson; and Hugh Cookes', McCall Clinic proposal letter was read and will be answered.

LaMont Anderson, Burley and Salmon then met with the Board to discuss the Eakin Ridge Outfitter, Inc. application. He mentioned he has option to buy balance of Rusty Munn's shares. Board again explained the area was too small for a hunting operation and would not support the escalation of hunting. Rex mentioned the hunting area should be incorporated with an adjoining area. Bill said Munn may not have been hurt so far, but area too small and someone in the future will take a loss, but said he would maybe approve a limited hunt. Jim answered Mr. Anderson's request for a limited hunting business, that it was too hard to enforce, and that Rusty had agreed to never more than 12 hunters and his activity report showed 14 hunters for 1979. Then a Forest Service letter dated September 29, 1980 was mentioned which would not object to permitting the area if it was combined with an adjacent area, but not permit a new operator on this small area. Also answering Mr. Anderson's inquiry, the Fish and Game Department supports the Board's and the Forest Service's stand on the area being too small for an independent area. Mr. Anderson asked about the steelhead operation. Mr. Baughman explained the full river section was given Rusty by an office mistake, that it should have been for access only. Mr. Anderson was advised he and Mr. Munn would get a written decision as he left.

The Board then discussed this licensing further, and voted, with Bill abstaining from the vote as he favored a limited hunting license. The decision was to deny hunting as was requested on the license application -- with the following reasons cited: Outfitters and Guides Act 36-2109A-b5 and 36-2107D (as advised by the Board's attorney). Various portions of the license were reviewed: boating, fishing and bird hunting along river sections licensed to Munn--approved. Trailrides and backpacking denied as licensed to another outfitter.

The meeting then recessed for lunch.

The Board reconvened at 1:15 P.M., with three members present: Jim, Bill and Ivol, as Ray Tarbox, Potlatch and two prospective outfitters, Jack Townsend and John Barron, Houston, Texas, met with them on licensing the Tarbox area. After much discussion on how they planned their operation, it was suggested by Mr. Tarbox that he would give the Board a copy of his 5-year contract. The Forest Service will also need to approve their proposal on permit issuance.

At 4 P.M., Steve Jordan and his attorney, Dennis Sallaz, Boise and the Ada County Deputy Prosecuting Attorney, Terry Uhling, met with the Board about Steve's citation by the state for outfitting without a license. Attorney Sallaz mentioned that Steve brought in his outfitter application and only had his Red Cross card missing and he wanted to assure everybody that Steve does not plan to operate outside the law (except this one trip that was already booked). Attorney Sallaz further stated that Steve was upset with the Bureau of Land Management people and determined he would not be regulated as he does not agree with their attitude and philosophy.

Steve then mentioned that the 1978 and 1979 trips both had BLM people on them and he didn't get their permit until after the trip. Deputy Prosecutor Uhling responded that the permit must not be too important if it could be obtained after the fact and asked if this happened again with Steve responding "no". Then Steve mentioned how the Birds of Prey guests were 180 degrees in reverse of his thinking and his knowledge was

not wanted. Ivol mentioned the group spoke highly of him. Mr. Baughman then pointed out that this was not the problem--that Steve had never submitted or completed an application for license.

Steve countered that he did submit a completed application except for an expired Red Cross card and he was turned down twice by the office; he showed an application without the offices dater stamp on it.

Mr. Baughman said that Steve knew better, that he could be licensed without the guiding qualification as he had previously. Bill explained the Boards' position on guiding qualification.

The deputy prosecutor then asked if he had turned in the application without the card would he of been licensed, the Board answered that Steve knew he had other problems, as there had been a change in ownership.

Attorney Sallaz suggested this was not a criminal matter and should not go against his record when he had outfitted many many years without any previous problems.

The Board answered that Steve owes the State \$100.00 in license fees, and that Steve knowingly violated the law, as well as there are costs from investigation.

The Prosecuting Attorney's deputy, Terry Uhling asked what about restitution rather than to proceed with the jury trial Steve has asked for. Then Mr. Uhling said that if the case goes to court probable outcome would be a withheld judgement without any \$\$ restitution, as Steve has no other conviction.

Ivol mentioned that other outfitters are being hurt by Jordan's actions. Mr. Uhling says the civil action would help to show that action was taken.

The Board said they would make a decision on whatever is offered and suggested that something be presented by next Monday's meeting, November 24, 1980.

As the meeting ended, Mr. Baughman said he spoke for the Board as well as himself, in that they still considered Steve a friend, and hopes all will be worked out in the near future.

The meeting adjourned at 5:30 p.m. A list of outfitters and guides licensed, extended, amended or denied since the October meeting follows, and are a part of these minutes.

Edythe J. Blele
Secretary

James H. Baughman

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There were no licenses issued, extended or denied from November 17 through November 23, 1980