

OUTFITTERS AND GUIDES BOARD

February 10 & 11, 1981

Boise, Idaho

Tuesday, February 10, 1981, there was a meeting called to order by Vice-Chairman Jim Baughman, at 8:30 a.m., with Ivole Sies and Bill Guth in attendance.

Old Business: Dave Burk's attorney's request to have the file copied and mailed to him (90 page file + 132 pages of complaints); then Tom Webb's meeting in the office yesterday with the two Boise board members was discussed; when Mr. Webb was advised that walk & wade fishing could be added to his license for the Henry's Fork, he said he would not want the hearing he had requested. Also, that Harry Lewies' new application fee was drawn on a check listing the Warm River Inn, Inc.--the Board determined that he would be contacted to see if his outfitting was included in this corporation.

Outfitter Business: Mackay Bar Corp. and guide, Charles Gardner files have been researched by Attorney Lombardi, with 44 copies taken from them for the Otis Carlyle 1978 drowning case which is being filed. Larry Walker's request of additional area for bear hunting with relinquishment of area now licensed, was researched and approved--the area would not include Joseph area and would stop short of the Snake River breaks. The wife of one of the Joseph outfitters has called to protest that when outfitting, they had found another bear hunter in their area--they are currently bear hunting and plan to excculate--4 bear + 1 lynx taken this year was reported.

The meeting was interrupted by a call from St. Joe F.S., Dale Raigan, of Avery, about an extension of John Jones's use of the St. Joe River--Mr. B explained the rules and the limitations set. It was suggested for the R & R Hearing, to change the put-in to Spruce Tree Campground, as Packsaddle was too short a trip to the take-out.

Keith Johnson, Boise, who contracts with the state as a Recreational Therapist, and conducts pyscotherapy programs to rehabilitate people who have been incapacitated in one way or another, met with the Board to see if he should be licensed. He works with Idaho Vest Nursing Home, State Prison and Health & Welfare--also Federal Government, Boy Scouts and others. He uses the outdoors, rivers etc., charging a \$50.00 fee and \$15.00 per hour, and wondered if he comes under the O & G law. The state, etc., pays his contract. The Board contacted their attorney and it was determined that he did not outfit.

Outfitter Business was continued: Elvin Hincks letter and map requesting additional area in Unit 67 which is licensed to Robson & Kunz, was reviewed. It was determined, unanimously, that Hincks should be advised favorably on applying for the area for 1981-82 licensing.

Bill Guth then mentioned that in the Guth-Anderson deal, the joint-use York & West area should of been included in the licensing of Eakin Ridge Outfitters, Inc.--the map was checked, and it was determined that this should be corrected.

Outfitters Sergeff & Simi's S Bar S Wilderness Outfitters and Scott Farr's Wilderness Outfitters name similarity was discussed with Dennis Sergeff--they are not using the Challis address and their advertising is directed to Vancouver, Washington.

The board meeting then recessed for lunch.

At 1:00 p.m., the Board reconvened, with Dot Handy, Dave Handy & Lyle Johnstone all meeting. Dot mentioned that Lyle would be working into part of the boating business, training for lead boatman, and requests licensing as Managing Agent for the Handy Float Expeds. Lyle has been running the day trips and has been licensed two summers on the M. Fork of the Salmon River. The Board gave applications and a test. Dave Handy too will be a Managing Agent for Handy Float Expeds. #2, with Dot and Lyle both M.A.'s for Eldon Handy Expeds. #1. Dave asked about continuance on his last year's license number--it was explained of a precident being set, and licenses spoiled in typing being a problem. Fishing & bird hunting was discussed--the Board advised bird hunting will be defined now.

Steve Watts, Secretary of Expeditions Outreach, Boise, came in to meet with the Board in the place of Larry Wells, Director, of Idaho Falls, who couldn't keep the appointment. Steve Watts is a Criminal Investigator and state employee working with the State Law Enforcement.

Mr. Watts explained the Expeditions Outreach program as rehabilitation of wayward kids--they take them out of cities etc., into the outdoor setup and away from trails, taking nothing except blanket, drop cloth & toothbrush. They exist off the land, except where no food is available live chickens are provided, and they say they teach conservation and ecology, but must be able to move around to different areas. Mr. Watts said they have not had a repeat in the 5-year program.

Larry takes his summers off from work to run this program. They feel they should be excluded for outfitter licensing, but the F.S. wants the state laws abided by for their permits. Bill said it sounded like hazardous mountain excursions, as set out in our law. Jim asked where the money came from--Mr. Watts said it was non-profit and a public service, but charges and accepts donations to cover the help's pay.

Steve said they would want the areas changed from year to year, and how should it be handled to license, if determined to be required. Ivof pointed out that other schools have similar programs--NOLS, Wilderness Alpine School, NW Outward Bound similar; Bill also mentioned Ricks was determined to be outfitting. A letter will be sent them after the Board consults their attorney.

The minutes were read and approved, unanimously. Then the Jordan case was discussed, still unresolved. The Jensen case--\$300.00 civil fine by Bear Lake Court was also brought up. Mr. B. has contacted the court for the 50% due the state, no word yet.

Other Enforcement Problems were brought up. Letters were read to be sent to each enforcement man and approved to be sent out, regarding telephone charges. Randy will be sent to eastern Idaho to check on the snowmobile situation--he will contact F. & G. for use of Joe Currey's cabin.

F.S./BLM/F & G Business: Mr. B. explained the F.S. call from Krassel Ranger District, Walt Rogers, about Del Davis's report--pointing to Quentin Selby perhaps wrongly; Don Bellville wants the Board to review the Tarbox summer activities and contact the F.S. before licensing.

At 3:15 p.m., Ray Ralls, McCall met with the Board about more area for lion hunting. Ralls says he has hunted lions for 20 years. Todd's licensing was discussed, which denied cats and it was explained that bear and/or cougar areas are non-exclusive. Ivof mentioned that Ralls overharvests an area taking more than the average outfitter, and there will no doubt be a time coming when there will be limits set on cats.

The area extension was looked at on the map which borders where Ralls is presently licensed to French Cr., and includes the old Rose, Moose Cr. & Twitchell areas along the Salmon breaks. It was explained to Ralls that a native was being considered for the area and would be considered first--that Fish & Game had been contacted for the resource.

Ralls said he hunts 10 months out of the year--Utah for bear & cougar too, and has 18 dogs, and that he loses some dogs each year, mostly by bear. Mr. B. said there was not much open area which was not licensed anymore, then mentioned the consolidation being implimented for larger areas. He told Ray thatwhereever he was licensed, was the only place he could legally hunt, which Ray did not know, he said. Mr. B. cited the law and said the Board knew deals were being made which were illegal and it was illegal to sell game. That subcontracting was also illegal, and there were reports of Ralls being out of his area.

F.S./BLM/F & G Business was continued--a call from the new F.S. manager at New Meadows, Earl Kearns, Dist. Rgr., was explained about Kenneth Walters and Ralph Bass both contacting for permits in area north of New Meadows.

Then the request for past 5-year use on the South Fork of the Snake River for Fish and Game was reviewed, and Ivol's reply. The Board found that Randy Berry's activity report appears to be so padded it affects the report falsely.

Outfitter Business was worked on again--erroneous advertising in the Association pamphlet was reviewed; it was determined to write to a number of them to get it straightened out.

The Board discussed board member appointments for new members, prior to recess at 5:00 p.m.

WEDNESDAY, FEBRUARY 11, 1981, the Outfitters and Guides Board meeting reconvened at 8:40 a.m., with all three members present.

There was discussion about Eakin Ridge Outfitters, Inc. and Guths having joint bear/cougar hunting along the river breaks, with use of the camp along the river. Maps were checked on the Judge's decision which was determined to be the correct area. The area was corrected for Eakin Ridge Outfitters, Inc. and given to Bill Guth for them.

New Business: Stage Coach Inn's bill for the conference room of \$20.00 was approved to be paid. Attorney Hurlbutt's bill for January was also approved. A claim for employee unemployment was discussed; typewriter purchase was brought up--Bill and Jim said the Electronic 60 seemed the better purchase. The copier replacement may be postponed until next fiscal year for purchase.

Then the Burk Hearing before the Board was worked on prior to the arrival of the former outfitter, Dave Burk and his attorney, Ron Swafford arriving, as Attorney Guy Hurlbutt also arrived to represent the Board. (Burk was licensed as an outfitter for 5 years, from 1970 to March 31, 1974.) Guy explained that the Board should answer questions and discuss the problems at this time, that a Hearing may be forthcoming from the meeting.

When the two men arrived, Guy made an introductory comment, that he understands a timely request was made by Mr. Burk to have a hearing on his license denial for 1974, and suggested the Board open the files for discussion and photocopying, which is what was done. Attorney Hurlbutt asked what a reinstatement of a 1974 license would be worth? Attorney Swafford said the stay of licensing on the Middle Fork of the Salmon River and his client's future was jeopardized because of the denial and lack of hearing. Mr. Baughman pointed out that Dave Burk's permit had been denied by the Forest Service in 1974. Other points brought out were the ads run in national magazines for hunting--not licensed. Licenses were reviewed and no hunting included. Dave said he was purchasing from Nez Perce Outfitters but did not book hunters--his attorney said that the Board did not say he did book; just false advertising was pointed out by the Board, as he was not licensed. Attorney Swafford asked what precipitated the investigation--complaints received was answered. Attorney Swafford asked if Dave Burk had been made aware of the problem prior to the license denial--the Board said many letters were mailed, no answers, apparently not interested--he did not apply himself to the Board's inquiry and letters about licensing.

Attorney Swafford asked about the Board's time limit in making a determination for licensing--30 days from date completed, by law was answered. The attorney asked then when was it determined to be complete and what had held it up--the Board pointed out that equipment was mentioned and the advertising, indicating big game hunting. Burk said he had to get ads in several months in advance and seller retains the licensing until paid for was a common practice. The Board then pointed out that the deal had been completed as was indicated on the application, thus a change of licensing and with no response, the Board had to take action in 90 days on a changed or new application, and it was done. The Board again said they tried to get it cleared up by letters sent, which were never answered. The first aid card not coming in too was delay in the action. Dave Burk said he'd talked to the secretary on the telephone about the card, as the original was never received. It was pointed out that it was in the law to have proof of first aid training, set up in 1973, and

there was 90 days after that to take action. Attorney Swafford asked how the ad was found --the Board answered they did not remember.

Attorney Swafford asked to make copies of the file and also the complaint file. The Board was advised by their attorney that the complaint file would just "muddy up the waters, if a hearing, as this was not the issue and not considered in the denial".

The meeting was over at 11:00 a.m., as the men left to make copies of the file.

Attorney Hurlbutt was detained as the Board inquired about his opinion of several problems. The Randy Berry reports fouling up the resource picture and other reports was discussed, also the Steve Jordan case and the two men who met with the Board just recently on whether licensing was required. Guy also said he would draft a letter for the Board to consider on the Burk case, before he left the meeting.

The Board then recessed for lunch, reconvening at 1:00 p.m., with all members.

Court cases were reviewed. A copy of a citation sent in by Cecil--citing of Steve Weiber on 12/30/80, also the case report by U.S. court on Weiber was read that Cecil had also sent in.

John A.K. Barker met with the Board about the Lewiston court problems. He said he had talked to the Prosecuting Attorney and would meet with Judge Schillings. He says that the judge takes the O & G and F & G citations very lightly. He said he would contact Perk Lyda, John Jones and Max Walker to go see the judge also.

The second meeting in November minutes were read and corrected and then approved. The spring meeting for the Association was mentioned--April 9 & 10, with the Board's meeting with the various F.S./BLM/F&G officials set for April 8, at McCall.

Outfitter Complaints were worked on: Tim Craig's and McCallum's complaintants will have letters sent out, also letters have already been sent out for more information on Salmon River Lodge complaint.

Boating Business was brought up that included new training cards--it was determined that the outfitter must certify and sign. These will be reordered right away. A letter from Gerald Bentley about outfitter bidding on permits was read--the Board determined they would write Bentley and support him in his effort but not get into the writing of congressmen, etc., as was suggested. The Board agreed it would pose quite a problem if implimentation of permit bidding, as no consistency for licensing etc.

Sawtooth Outfitters letter would be considered as good as an application for their request for river consideration and their name would be added to the list. The Board also said that a rules hearing should be scheduled as soon as possible after the licensing is over.

Bear and Cougar Hunting was worked on, with discussion of those lapping over into Lemhi and Custer counties. It was decided that these outfitters would be limited to one area or the other, not involved in both. Ivol made a motion that "Lemhi Bear & Cougar Areas to consist of Management Units 21, 21A, 28, 29, 30, 30A & parts of 58, 51, 37A and 27; the Custer Cougar Only Area consist of Management Units:--part of 27, 36, 36A, 36B, 37, 50 & 51." The Management Unit 27 will be limited to "that part of 27 lying east of the Middle Fork River that lies outside the Idaho Primitive Area from Camas Cr. to March Cr."

After discussion, it was seconded by Bill and passed by two-thirds consent. There was another motion made by Bill that passed unanimously, that a letter would accompany

the Bear and Cougar Combination licenses that explains this combination licensing will be reviewed prior to March 31, 1982, and a questionnaire will be mailed about January, 1982.

Outfitter applications for 1981-82 licensing were reviewed and approved prior to Bill leaving the meeting at 4:30 p.m. It was determined to hold the next board meeting March 30, 31 and April 1, 1981. The rest of the afternoon was spent on applications.

A list of licenses issued, extended, amended or denied since the last meeting are a part of these minutes.

Respectfully submitted,



Edythe I. Blele, Secretary



James F. Baughman, Vice-Chairman

OUTFITTERS AND GUIDES BOARD

Licenses issued, extended or denied from February 10, 1981 through March 29, 1981

LICENSES ISSUED

OUTFITTERS

Steve Currey Expeditions, Inc.

GUIDES

Kempner, C. M. "Chuck"

Whitney, J. Warren

LICENSES EXTENDED OR AMENDED

OUTFITTERS

Currey, Steven C. - Licenses extended to include Steven C. Currey as M.A. of Steve Currey Expeditions, Inc.

Walker, Larry F. - Bear, cougar and predator hunting area extended

Webb, Thomas O. dba Webb's Hackle N Tackle - License extended to wade fishing only on Henry's Fork of Snake River

Whitten, Harvey L. - License extended for bear, cougar, predator hunting in parts of Units 18, 19, 19A and 23

GUIDES

Amberson, Thomas B. - License extended as a cross country lead guide

Rhoads, Jeff - License extended as a cross country lead guide

Roland, Sandra M. - License extended to Lead Boatman on Salmon River from M.Fk. to Spring Bar and Boatman on Middle Fork of Salmon River and Selway River